LEGISLATIVE COUNCIL

Tuesday 9 March 2004

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bill reported:

State Arms, Symbols and Emblems Bill

WOOL, HIDE AND SKIN DEALERS BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. John Hatzistergos agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading ordered to stand as an order of the day.

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. JOHN HATZISTERGOS: According to Standing Order 59, I present a list of reports tabled but not ordered to be printed since 24 February 2004.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Report on investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre, dated February 2004, ordered to be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced, pursuant to the Legislation Review Act 1987, the receipt of the report entitled "Legislation Review Digest No. 3 of 2004", dated 8 March 2004.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Report

The Hon. Peter Primrose, as Chairman, tabled report No. 27, entitled "Report on person referred to in the Legislative Council (Mr P Ferris)", dated March 2004.

Ordered to be printed.

PETITIONS

Gaming Machine Tax

Petition praying that the House reconsider the decision to increase poker machine tax, received from **the Hon. Rick Colless**.

Freedom of Religion

Petitions praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Dr. Gordon Moyes** and **Reverend the Hon. Fred Nile**.

CountryLink Rail Services

Petition opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **the Hon. Patricia Forsythe**.

Marriage

Petition opposing any legislative changes that would violate the basic principles of marriage, received from **Reverend the Hon. Fred Nile**.

Endangered Species

Petition praying for the reservation of remaining forests and woodlands to ensure the survival of endangered species, received from **Ms Lee Rhiannon**.

Alcohol Sale Control

Petition praying that alcoholic beverage sales be restricted to existing outlets, and that opening hours be reduced, received from **Reverend the Hon. Dr Gordon Moyes**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business notice of motion No. 1 and Government Business orders of the day Nos 1, 2 and 3 postponed on motion by the Hon. Tony Kelly.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.52 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 88 outside the Order Of Precedence, relating to an order for papers in regard to the amalgamation of the City of Sydney and South Sydney councils, be called on forthwith.

The House divided.

Ayes, 23

Mr Breen	Mr Gay	Mr Pearce
Dr Chesterfield-Evans	Ms Hale	Ms Rhiannon
Mr Clarke	Mr Jenkins	Mr Ryan
Mr Cohen	Reverend Dr Moyes	Mr Tingle
Ms Cusack	Reverend Nile	Dr Wong
Mrs Forsythe	Mr Oldfield	*Tellers,*
Mr Gallacher	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin

Noes, 16

Mr Burke	Ms Fazio	Ms Tebbutt
Ms Burnswoods	Ms Griffin	Mr Tsang
Mr Catanzariti	Mr Hatzistergos	
Mr Costa	Mr Kelly	*Tellers,*
Mr Della Bosca	Mr Obeid	Mr Primrose
Mr Egan	Ms Robertson	Mr West

Pair

Mr Lynn	Mr Macdonald

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Members' Business item No. 88 outside the Order of Precedence be called on forthwith.

LOCAL COUNCIL AMALGAMATIONS

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.02 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Local Government, the Department of Local Government, and the Cabinet Office:

(a) all correspondence and communications between the Minister for Local Government and the Director General of the Department of Local Government in regards to the amalgamation of the City of Sydney and South Sydney councils,

(b) all correspondence and communications between the Minister for Local Government and Professor Kevin Sproats in regard to the amalgamation of the City of Sydney and South Sydney council,

(c) Crown Solicitor's advice provided to the Governor of New South Wales and Director General of the Department of Local Government in regard to the amalgamation of the City of Sydney and South Sydney councils,

(d) advice provided by the Electoral Commissioner to the Minister for Local Government, and correspondence between the Electoral Commissioner and the Minister for Local Government, in regard to the amalgamation of the City of Sydney and South Sydney councils,

(e) all correspondence and communications between the regional review facilitators, the Minister for Local Government and the Director General of the Department of Local Government in regard to local government structural reforms,

(f) the details of salaries and terms of conditions of the employment contracts of all regional review facilitators,

(g) the terms of reference for all regional reviews carried out in regards to the structural reform of local councils,

(h) correspondence between the Minister for Local Government and the Electoral Commissioner in the period since the amalgamation of Sydney City and South Sydney councils,

(i) the regional impact statements examining the effects of council amalgamations on small regional towns,

(j) details of projected job losses in small regional towns as a result of council amalgamations, and

(k) any document which records or refers to the production of documents as a result of this order of this House.

I am pleased to lead for the Opposition in this debate because this is probably the most important call for documents ever made in this House. There is widespread community concern about what is happening in local government and about how the Government is rubberstamping decisions that should be subject to proper public scrutiny. This call for documents is designed to provide the transparency that the Government has prevented until now. I do not need to remind honourable members that just three days before the March 2003 State

election the Premier was quoted in the *Goulburn Post* as saying that Labor had no plans for wholesale rationalisation of councils and that there would be no forced amalgamation of councils. The Government took that policy to the people.

The Opposition has moved this motion because of the Government's unacceptable handling of the merger of South Sydney Council and the City of Sydney Council. The decision-making process was devoid of public consultation and transparency; it was akin to a forced amalgamation. It began with inept handling by the former Minister and it has ended up as an unadulterated grab for power to elect Michael Lee to keep the big end of town happy. That is why such a divergent group of people will join to vote for Labor last in the council elections. The Government's strategy may have backfired. Gerard Martin, the honourable member for Bathurst in the other place, said that the Government's structural reform process has been badly handled, and the recent events in South Sydney highlight that.

Ratepayers and local communities in New South Wales have been denied a say in the process, and in many cases the structural reform proposals referred to the Local Government Boundaries Commission by the regional review facilitators have not reflected what has been suggested by local councils; in fact, recommendations have contradicted what the locals have suggested. A government facilitator came to Crookwell for a meeting that was attended by 300 or 400 people and to a meeting at Gunning that attracted about 500 people. Locals said what they want, and there was no mention at any meeting of the establishment of a super council, but that was Professor Daly's recommendation. We have a right to know the facilitators' employment guidelines and how much was paid.

The Hon. Jennifer Gardiner: It was probably superficial.

The Hon. DUNCAN GAY: Exactly. One facilitator did listen, unlike Chris Vardon, who attended meetings held in the Central West and walked out of them as soon as he heard something he did not like—though he has a history of doing that. We must examine the documents in the Clerk's office, in the normal course, in confidence, so we know that justice not only has been done but has been seen to be done.

The motion calls for documents relating to the merger of South Sydney Council and the City of Sydney to be tabled in this House and for all terms and conditions associated with the Government's structural reform agenda to be made publicly available. That includes all correspondence between the Minister for Local Government, the Director General of the Department of Local Government, the Electoral Commissioner, and Professor Kevin Sproats. Had the Minister for Local Government answered all the questions asked by the Opposition and crossbench members about these issues we would not need to see these documents. A series of questions on this topic asked by the Christian Democrats, the Greens, The Nationals, and the Liberal Party have not been answered.

On 26 February the Hon. Silvia Hale asked the Minister for Local Government to release 627 public submissions to the Local Government Boundaries Commission about the amalgamation of South Sydney Council and the City of Sydney. The Minister maintained that the release of the information was the commission's responsibility. I asked the honourable member's staff on 5 March whether she had received the information from the commission, but it is apparently of the understanding that it is not required to pass on any information about the submissions.

This issue is going backwards and forwards. The long and the short of it is that the Government is not abiding by its election policy, it has not spoken to the people, there has been no consultation, and forced amalgamations are occurring. The Opposition wants to know whether there is a secret agenda. The amalgamation of the South Sydney Council and the City of Sydney Council, in particular, smells. If everything is okay, the Government should be happy for those documents to be viewed. In a comment across the House the Minister indicated that he was happy for the Opposition to see the documents and that the Government had done nothing wrong, yet the Government is opposing access.

On 26 February the Hon. Dr Peter Wong asked the Minister for Local Government whether he thought the dismissal of South Sydney Council and the City of Sydney Council by fax at 7.35 a.m. on 7 February was ethical and proper conduct on the Government's part, and what major misconduct those councils were involved in to deserve dismissal. The Minister responded that the dismissal was simply part of the local government reform program, which aimed to provide a better deal for the ratepayers of New South Wales.

Reverend the Hon. Fred Nile: They would like to separate the councils now that Clover Moore is standing.

The Hon. DUNCAN GAY: As the honourable member said, I am sure the Government is regretting its decision. Its enthusiasm has resulted in what it feared most. Its rorting of democracy has encouraged people to have their say, and they will put Labor last on the voting form. Who could blame them? The Hon. Rick Colless and I get a vote in South Sydney and we will be putting Labor last. I will be putting the Greens and Clover Moore ahead of Labor, and many other people in South Sydney will be doing the same. I am sure a lot of people in South Sydney will be doing the same, because they are being denied democracy.

Full inquiries were conducted into Liverpool and Rockdale councils, and they were hardly laudatory of the councils, yet those councils have not been dismissed. There is not even a whiff of a problem in the City of Sydney Council, yet the administrator is wheeled in. But that is not so in the case of Liverpool and Rockdale councils. If the Minister will not answer these questions, we need to see the documents. There is a smell worse than the smell of a dead sheep hanging down the back of the Minister's paddock in Wellington.

On 7 February 2004 the ratepayers and councils of South Sydney and Sydney City councils saw the Carr Labor Government break a major election promise and abandon anything that resembled consistency in its local government policy. At 7.30 a.m. on that day the Minister for Local Government, mild-mannered Tony Kelly, dragged the Governor of our State, Marie Bashir, out of bed to secure her formal approval for the dismissal of the City of Sydney and South Sydney councils and gazette the new City of Sydney Council area—without, as I said, there having been even a whiff of anything wrong in those councils, unlike in Rockdale and Liverpool councils and a few others.

This was done without consultation with those councils and it sparked shock, outrage and disappointment from all the mayors and councillors, including the Labor mayor. And who could blame them? The official reason given for the merger was that the New South Wales Local Government Boundaries Commission supported it and that it would create a bigger, more efficient council. But who knows? At that time the Minister had given Professor Kevin Sproats a chance to report on local government as a whole in eastern Sydney, but he gazumped him. The Minister is no better than his predecessor. When he had a recommendation from Professor Sproats that I believe the citizens and ratepayers of Sydney might have accepted he went ahead and put in place Frank Sartor's recommendation. I suspect that part of the problem is that Frank Sartor's hand is lingering over this, and how close Frank Sartor was, and remains, to the property industry.

A lot of members on the Opposition side and a number of members on the Government side are concerned about this matter. That is why it is important that we have the documents. The Government fast-tracked the merger decision, so we need to see the Crown Solicitor's recommendations that went to the Governor. This is an extremely complex issue. The City of Sydney—

The Hon. Jennifer Gardiner: A creature of its own Act.

The Hon. DUNCAN GAY: As my colleague the Hon. Jennifer Gardiner said, the Council of the City of Sydney is a creature of its own Act. It has a stand-alone Act that details who can and cannot vote in council elections. That council has been amalgamated with South Sydney council, which falls within the general Local Government Act. South Sydney council has different criteria for who can and cannot vote in council elections. It is therefore important to know what the Crown Solicitor's advice was to the Minister and what the subsequent recommendations were to the Governor. They are important matters that the people who will vote in the next council elections need to take into account. They will want to make a decision and, unlike me, some of them have not made that decision; they will not be putting Labor last at this stage. I suspect that the Minister wants to cover up many of these documents because he is worried that more and more people will vote Labor last in the election.

Concern has been expressed about the effect that rural council amalgamations will have on their communities. One of the election promises from the last two elections was that a regional impact statement would be issued in relation to all Cabinet decisions. That election promise has been studiously ignored. I could not think of a decision that would have more impact on a community than the loss of its council. We have seen the rationalisation of councils in the south, and the virtual removal of Braidwood council. Fortunately, Crookwell council was retained.

I note that the ABC has a program called *Fireflies,* which deals with the Lost River bushfire brigade. My property is in Grabben Gullen, where there is, indeed, a Lost River, which is next to my property. We do not have any of the Lost River people, and the Lost River bushfire captain does not bear any resemblance to the one on television. Nor does one have to travel north on the F3 to get to the Lost River, but that is another matter. Those communities have suffered because of amalgamation proposals, and we need to see these documents.

It is important that we understand the facilitators' rates and conditions of employment. The facilitator in my area held public meetings, and he was very popular. He listened, he nodded, he was intent, and he was personable. Unfortunately, he made a recommendation for a super council that had not been suggested by anyone at the meetings. One wonders whether the facilitator was given particular terms, conditions, and instructions. Other facilitators have not been as courteous. Indeed, one facilitator made a report in which he copied the recommendations of a facilitator in another area. He lifted huge sections from the recommendations of a facilitator in the south. He did not even do his own research; the portions that he lifted related to councils outside his area. It is therefore important that we know the facilitators' terms and conditions of employment.

I do not want to take the time of the House, because the matter is open and shut. A large number of questions have been asked, and many people throughout the State are concerned that democracy has been ignored. We will address the further degree of democracy when the Minister introduces his local government reform bill. The purpose of this motion is simply to review the manner in which the procedure has been undertaken, and to give members the opportunity to further scrutinise the documents so they may have insight into the thought process of the Government on a matter that is clearly against the policy principles it stood on at the last election and against the principles of democracy generally, so people can have a say in what is happening in their areas.

Many communities are devastated, particularly Braidwood, given the losses that will occur there. Small country towns of 2,000 to 5,000 people who lose their council lose their biggest employer—and they were not given the opportunity to have a say about whether they should retain their council. We also need to look at the costings that the Government may or may not have done. In each case the Government has quoted certain savings, but the savings seem to ignore the fact that staff will be kept on for three years. Apparently a bill may be introduced later to vary ratepegging so new councils can collect additional rates, but there is nothing from the Government by way of encouragement. The only carrot that may be offered is an opportunity for local government to increase its rates.

I did not think that was what it was going to be about. But we need to understand the rationale of the Government; we need to understand how it made these hard-edged economic decisions that it says will save ratepayers a lot of money. I know that if it were to cost my local community a few hundred thousand dollars to retain its council, it would be willing to accept that to keep jobs and infrastructure within the town. Thankfully my local community was able to save its council by agreeing to a "voluntary" amalgamation with Gunning; it was not really voluntary—we had to do it or we were in serious trouble. Frankly that is the situation.

As many people have said, the Government has thrown a hand grenade out there and it does not have a clue where it will land. There is no plan or structure to this proposal, and we need to examine the documents to ascertain whether there is a plan or a structure to them. I hope there is wide support for this motion. It is not a fishing expedition for a whole lot of documents—we have tried to keep it concise—but these are important documents that this House of review needs to see, especially on the eve of local government elections in New South Wales.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [3.20 p.m.]: I oppose this motion and I will first respond to a couple of comments made about Rockdale and Liverpool councils. The ICAC has recommended that the Director of Public Prosecutions [DPP] investigate charging a number of Rockdale councillors, and that is a matter for the DPP. An inquiry into Liverpool City Council under section 740 of the Local Government Act is yet to be reported on, and I will deal with that matter when I get the reports. This motion shows how much attention the Opposition pays to the process and to what happens in Parliament. Quite frankly, it is ridiculous.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! The Hon. Duncan Gay, who was heard in silence, should cease interjecting.

The Hon. TONY KELLY: If the Opposition paid any attention it would know that most of the material that has been called for is already available to members. The Opposition has asked for documents that the Director-General of the Department of Local Government provided to General Purpose Standing Committee No. 5 just last week following a supplementary budget estimates hearing. If the Opposition paid attention it would know that the director-general provided copies of correspondence between himself and the facilitators of regional reviews, which included details of their remuneration and conditions, and the terms of reference of the reviews. It would know that similar correspondence between the director-general and Professor Kevin Sproats was also provided to the committee.

Perhaps the honourable member has not been informed that the committee is in possession of this material, or perhaps he has not done his research. Maybe he is just asking me for these documents so he does not have to do his own research. If he had done the research he would know that the effects of council amalgamations on small regional towns are considered as part of a rural communities impact statement in the Boundaries Commission reports, not in separate regional impact statements. He would know also that the Boundaries Commission reports are available on the web site of the Department of Local Government: *www.dlg.nsw.gov.au*. The savings and the way those savings have been arrived at are detailed in each and every report the commission has done.

The honourable member has even asked for the legal advice sought by and provided to the Governor. The honourable member should know better than to ask for such information. I obviously do not have it. To ask the Government to provide this information to the Parliament is an insult to the Governor, who, I might remind our staunch monarchist friends opposite—although I must admit not all of them are staunch monarchists—is the Queen's representative in this State.

The Hon. Duncan Gay: That is a bit rich coming from a Republican!

The Hon. TONY KELLY: That is probably one of the few things the Hon. Duncan Gay and I agree on.

Reverend the Hon. Fred Nile: Are you going to leave the coat of arms on the wall?

The Hon. TONY KELLY: I did not say I was supporting them. I am a Republican. At the end of the day the amalgamation of the former South Sydney and the City of Sydney council areas has been completed. It is already providing real benefits to people in the inner city. One-off savings of $2 million and $7 million will be achieved each and every year thereafter as detailed in the report by the Boundaries Commission on the website. Even the former Lord Mayor of the City of Sydney supported the original amalgamation proposals put forward some years ago by Kevin Sproats. It is time the Opposition stopped navel gazing and carping—

[*Interruption*]

No, I do not mean my Cabinet colleague, I mean the one after him, when she was Deputy Mayor. The Opposition should look at the real benefits this merger is providing and will be providing in the future for residents and ratepayers. The Opposition talks about transparency and consultation concerning the City of Sydney and South Sydney. That has gone on for about three years with an inquiry by Sproats and then a review by him, and also two public inquiries. The Opposition also seems to forget that the City of Sydney had intended to take South Sydney's assets from it and that it could have caused something like 130 South Sydney staff to lose their jobs. I oppose the motion.

Ms SYLVIA HALE [3.25 p.m.]: The Greens support the motion. I believe that the Government has treated the electorate and the voters in general with a degree of cynicism and contempt that is justifiably arousing enormous anger and resentment. I am sure that the outcome of the election on 27 March, particularly in the City of Sydney, will more than vindicate the present discontent in the community. As other members observed, in amalgamating the city, the Government has been too smart by half. The Government's conniving and reckless determination to have its way in the city will bring it undone on 27 March. I am sure that the voting electorate will produce a major victory for democracy and the assertion of the public interest as opposed to the private political interests of the Government.

But the obvious question before the House today is what does the Government have to hide? As the Hon Duncan Gay said, it has been almost impossible to obtain the public submissions to the Boundaries Commission on the merger. First of all we were referred by the Minister to the Boundaries Commission and then, of course, the Boundaries Commission referred us back to the Minister. So around we go in circles. It is this sort of secrecy and contempt for any notion of open government that has bedevilled the entire amalgamation debate to date. Before the last State election the people were given an undertaking that local government amalgamations would not proceed.

The Government, and the Minister in particular, has not been hesitant to give assurances, for example, to the United Services Union that no legislation would be introduced before the union had been consulted and before the rights of the employees of councils had been given some protection. But what did the Minister do with the Local Government Amendment Bill? He introduced it without even informing the union that it intended to do so. That is also an example of the contempt with which the Minister treats the various parties in this debate.

If there is a clear and justifiable case for the merging of the City of Sydney and South Sydney councils, the Government should not resist this request by the Opposition to make public the documents upon which that case is based. Why not release the documents and be done with the secrecy? The secrecy, and the refusal to disclose information that the community is entitled to is where the smell arises from this whole process. Voters and residents in a free and democratic State have a right to expect open and transparent access to public information.

If the amalgamation were genuinely in the public interest, why is the Government not falling over itself to make these documents public? The truth is obvious. This is a forced amalgamation, similar to the forced amalgamations occurring across New South Wales. The amalgamation was forced through in the absence of any real public justification, other than unsupported assertions that it would somehow be for the benefit of the ratepayers and residents of Sydney. The amalgamation was forced through, against the wishes of 97 per cent of local residents, by a Government that thinks it is so powerful it can destroy councils at whim—a Government that is accustomed to manipulating democracy for its own political ends. No-one would disagree with that analysis.

The amalgamation of Sydney city council and South Sydney City Council is a cynical manipulation of the electoral process to meet the ends of the Australian Labor Party, but this time the plan has come unstuck. The voting public is much more savvy and alert than the Government gave it credit for or anticipated. The public has seen through the manipulation and deception. Local city residents are furious and, as council elections approach, the Government is running scared. It is unwilling to release these documents, which should always have been out in the public arena, because it knows the explosive nature of their contents. The documents will reveal the Government's lies and deceptions.

Local communities across New South Wales are losing their councils, local representation, jobs and local identities. In this key period leading up to the 27 March elections, it is critical that these documents are made available and their contents are made known so that the electors of the revised Sydney city council may know the basis on which they are voting and how the new beast has come about. The elections will be an instructive exercise for voters across the State, particularly in areas that are facing amalgamation or will be in the future. The Greens urge support for the motion.

The Hon. DON HARWIN [3.32 p.m.]: I support the motion of my colleague the Deputy Leader of the Opposition. We can trace the history of forced amalgamation of Sydney city council and South Sydney City Council to a date almost four years ago. It is a matter of history and record that for a very long time during the separate existence of Sydney city council and South Sydney City Council, South Sydney City Council was completely controlled by the Australian Labor Party since its re-establishment during the Greiner years and prior.

The date 1 July 2000 was a day that was hardly auspicious for the Liberal Party or non-Labor forces—it was the day that the GST was introduced. Circumstances could not have been better for the Labor Party. There was a delayed election for South Sydney City Council and for the first time in its history Labor lost control of that council to a coalition of Greens, Democrats, Liberals and Independents. For the first time in years South Sydney residents experienced good governance under the mayoralty of John Fowler, with the support of Shayne Mallard from the Liberal Party, John Bush, Amanda Leonard from the Greens and, initially at least, Peter Furness, when he was a member of the Democrats.

During much of that period I was a ratepayer and I was happy with the way council operated. However, the Labor Party was unhappy because its machine, its capacity for patronage, and Labor's actions with respect to South Sydney City Council over a long period of time were being frustrated. We can trace forced amalgamation back to that time and the three years when Labor did not control the council. Some time after that occurred, Councillor Peter Furness changed his allegiance from the Australian Democrats to the Australian Labor Party, resulting in five of the nine councillors being Labor councillors, and Peter Furness becoming deputy mayor. During much of the period referred to in the motion, South Sydney City Council had a Labor mayor, Councillor Tony Pooley.

The Hon. Tony Kelly: He is a good mayor too.

The Hon. DON HARWIN: He is a nice fellow. I will reserve my judgment on whether he is a good mayor. These events followed the last State election, and under the new Minister, the Hon. Tony Kelly, despite clear commitments given to the people of New South Wales over a very long time, a forced amalgamation

agenda was put on the table for South Sydney City Council and Sydney city council. Even with a Labor mayor, Labor Party councillors on South Sydney City Council were opposed to the amalgamation. It was only when they were held over a barrel by the Minister, who refused to back councillors from his own party on disputed properties, that they were forced to buckle under arrangements which I will not canvass because I am unaware of the full details.

Subsequently, a heavily conditional motion was moved that South Sydney City Council pursue amalgamation with Sydney city council because control could not be retained of the disputed properties. At that point Sydney city council made it clear that in order to maintain its integrity, autonomy and separateness, it was prepared to give up its claim to the disputed properties. That should have been the end of the matter, but history shows that despite a solution being found to the only issue between the two elected councils, that is, the disputed properties, the Minister went through a process, now the subject of this motion, which amounted to forced amalgamation.

At the time South Sydney City Council was prepared to amalgamate only on the basis that the new council retain the ward system. However, although the new council has 70,000 electors and covers diverse areas, it does not have wards. Despite the inclusion of wards being sought by Labor councillors on the former South Sydney City Council, this suggestion was not acceded to, and that is disappointing. Professor Sproats' views have been taken in vain to justify all sorts of things in this debate. If one reads carefully the options in the Sproats report, the final result bears no resemblance to any of the options that Professor Sproats suggested.

Professor Sproats' original report is excellent and he made many sensible suggestions. If those suggestions had been pursued in good faith and proper process had been followed, I suspect there would have been a voluntary amalgamation of more than just two councils in the inner-city area of the eastern suburbs. It is a great pity that we have reached this stage. The motion is timely and it is important that the House support it.

The Hon. Dr PETER WONG [3.39 p.m.]: I support the motion moved by the Deputy Leader of the Opposition. I am amazed that the Minister said that because the Rockdale matter is in the hands of the ICAC the Government does not wish to know. The Minister further said that because Liverpool is still under inquiry the Government has washed its hands. Why did the Minister dismiss the Council of the City of Sydney and South Sydney City Council? There are no valid reasons, apart from money. Sydney city council is efficient and its budget is in surplus. Therefore money is not in question. It is the hunger for power of the Australian Labor Party.

Further, it is interesting that the Minister did not answer the question of the Deputy Leader of the Opposition as to why he would not volunteer to table in the House a letter from the Crown Solicitor. Lastly, the Minister said, "The amalgamation is complete", as though completion of the amalgamation justifies his decision and means that he was right. That conduct is unethical, immoral and corrupt. I believe that the sinister plot will fail. I will celebrate the day the ALP cannot win the position of Lord Mayor of Sydney, and I hope that the puppet put up by the New South Wales branch of the Australian Labor Party will not win.

Reverend the Hon. FRED NILE [3.41 p.m.]: I shall speak briefly in support of the motion. The Christian Democratic Party is aware of the concern in New South Wales about any forced council amalgamations. There was, and still is, widespread concern in the State. Suddenly, out of the blue, following what might have been a midnight coup, comes the amalgamation of the Council of the City of Sydney and South Sydney City Council. It was clear to all members of this House, and to members of the community, that the purpose of the amalgamation was to assist the Australian Labor Party in gaining control of the new city of Sydney council, including the previous South Sydney council, by bringing in many Labor voters to increase the Labor vote and, therefore, to assist Mr Lee to become the Lord Mayor of Sydney.

To repeat the interjection that I made during the contribution of the Deputy Leader of the Opposition, the Government may be looking at the possibility of introducing another bill tomorrow to split the councils and undo the damage, because the reaction of Labor voters in the South Sydney council area is such that they will not vote for the Labor candidate. So it seems, on the surface, that the next Lord Mayor of Sydney will not be Mr Lee. During the 23 years I have been a member of this House we have debated many bills relating to the city of Sydney council, and they have all had the underlying purpose of gaining control of the council. I must be honest and say that that has been done both by Labor governments and Coalition governments. If a Coalition government were to gain office, it also would most probably introduce a bill relating to the city of Sydney council. Legislative power swings to the left and then to the right regularly in this House.

Other bills have dealt with the voters' roll, which was designed to reduce the impact on business people, corporations, legal firms and others in the city of Sydney by requiring them to re-apply to be on the electoral roll before each election. Many businesses are busy and overlook the need to re-apply for enrolment. Those who do not re-apply find on election day—and this will happen again on 27 March—that they are not on the roll and do not have a vote, although they are ratepayers or meet the electoral requirements. No-one who meets the requirements should be disfranchised and prevented from voting. The roll should be organised in a more permanent way so that people are on the roll until they apply to be taken off it, or it should be redesigned. The requirement that businesses and residents of the city of Sydney re-apply for enrolment every four years disadvantages them.

As other honourable members have said, it was a great shock to find that suddenly Sydney does not have a Lord Mayor. The position of Lord Mayor of Sydney is historically important. Indeed, at civic functions the Lord Mayor stands next to the Premier. Suddenly, through the amalgamation of the Council of the City of Sydney and South Sydney City Council, we have no Lord Mayor of Sydney. That is an insult to the city of Sydney. Leaving aside the amalgamation, the Council of the City of Sydney should have remained in place. The boundaries could have been changed or expanded to include the South Sydney council area. However, to dismiss both councils, particularly the Council of the City of Sydney, was an insult to the people of Sydney and to the esteemed position of Lord Mayor of Sydney.

I note, as did other members, that problems over disputed buildings resulted in a threat to the income of South Sydney council, but that difficulty seemed to have been resolved before the councils were amalgamated. If the councils had been allowed to remain in place, the 27 March elections would have proceeded without all the drama and resultant backlash against the Labor Government. The Christian Democrat party supports the motion.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.46 p.m.]: I support the motion moved by the Deputy Leader of the Opposition, although it should not be necessary. Basically, the documents being sought should be public documents. I remind honourable members that the open government legislation was passed in this House and went to the lower House, where it was introduced by Clover Moore and sent to a committee. The Public Accounts Committee looked at freedom of information or open government legislation and the various models that had been suggested. Interestingly, the committee chairperson and the committee clerk went to America but not to New Zealand, which I believe has the world's best legislation in this field. The New Zealand legislation states that, unless it is in the national interest that information be kept private, all information is public information. In other words, the people own the information about their country. That is what should happen here.

To my knowledge, the committee has not yet reported, although the report should be available shortly. It will be interesting to read the committee's report. It is unacceptable that such information is secret and that it must be requested through a resolution of this House. The amalgamation of the city of Sydney council and South Sydney council is part of the long saga of the city of Sydney, involving voting systems, voter eligibility and so on being changed regularly. The boundaries have been regularly fiddled to win elections. That is a travesty, but it happens. The changes to the local government elections—above-the-line voting, the insistence on large groupings to drum out the Independents, the division of councils into wards to create a critical mass—are part of a massive drive by the Government to control everything. Indeed, the numbers in wards are fiddled so that one group has a majority and wins nearly all the seats. In that way the Labor Government can control councils.

On my web site, *www.chesterfieldevans.com*, I have a theory about the Carr Government that I will expound to the House. Basically, the Government wants the senior executive service to control the public service, and it takes the cream of the parliamentary press gallery staff and employs them as ministerial minders, at taxpayers' expense. In that way the Government controls the public service and the media. It then fiddles the rules so that it can control local government. Single-member seats in the lower House are gerrymandered, and the voting system is changed in favour of the major parties in the upper House. The Government wants to control everything through vertically integrated government, to become mates with the big end of town, to receive lots of property developer donations, and to remain in power forever. That is a disgrace for our democracy. This motion, which seeks information that should be publicly available, is just the tip of a very large iceberg.

Presumably neither South Sydney council nor its residents wanted amalgamation, yet the disputed properties furphy enabled the Labor members of South Sydney council to say that without the disputed

properties the council would be economically unviable and the only thing they could do in the interests of the people of South Sydney, given such a terrible financial situation, would be to support the State Government. That furphy was a ruse to get South Sydney council off the hook, and without any open discussion the boundaries have been fiddled.

Prior to the creation of the City of Canada Bay Council, amendments to the Local Government Act imposed the requirement to hold a referendum. However, the Government wanted some other fact-finding method, fought like a tiger to stop the referendum being held, but did not have the numbers. Finding that the referendum result would not be binding, the Government held the referendum, ignored the results, and amalgamated anyway. That was disgraceful. The Government has no regard for democracy. As I say on my web site, it is so obsessed with power it cannot tolerate anything that stops it having absolute power. It is a spoilt and decadent Government, which needs to be rolled, and I believe it will be rolled. Despite the boundaries and the electoral system being optimised by the Government, the backlash means that it still looks like losing. Whether it loses to Clover Moore or to the fine Australian Democrats candidate, Spencer Wu—a very experienced man who has been in dental practice in Chinatown for about 27 years and was previously an Ashfield councillor—the Government will not succeed in having its candidate for lord mayor elected.

The motion, which in effect asks what the facilitators are doing and why they are getting paid, focuses on what is going wrong in this country. What has been happening is not democracy. If the Government wants to know what the residents are thinking, a referendum could be held before everyone goes to the polls, but it does not want the people to express their will. Small country town communities are under great threat from population drift, but they are sticking together and trying to make their towns work. If investigations show inefficiencies and bad work practices in local government, why wont the Government put that information on the table? The voters will not be happy, but they want to hear if their councils are wasting their money and they want to have a say in how their councils are fixed. However, for the Government to say that local government is inefficient and therefore it will amalgamate these councils is nonsense and an abrogation of democracy.

People in small towns do not see value in having to drive two hours to and from specialist services, which leaves only four hours in an eight-hour working day. Councils will not be more efficient if council employees lose half their productive time in travel. One must consider the location of depots, the power of authority over them, and their response times. They cannot be managed from a great distance. The suggestion that that is in people's interest is nonsense. The tyranny of distance is a great limitation in this country and should be a factor in government planning. If the motion is passed, will the Government make the information commercial-in-confidence and wheel in Mr Street to enable more documents to be hidden, or will we be given the documents so that we can find out what is going on? This motion should not be necessary, but it is, and it should be supported.

The Hon. PATRICIA FORSYTHE [3.54 p.m.]: It is said that we forget the lessons of history at our own peril. Clearly the Government is now in a perilous situation. It has forgotten the lessons of its own making back in the 1980s, which ultimately saw the sacking of a council. The Greiner Government on its election was forced to reinstate the Council of the City of Sydney. Since that time there has been a change of government and this Government has attempted to rort the system with its legislation. I remind the House of two points made by the Hon. Jeff Shaw as Minister for Local Government in moving the City of Sydney Act in 1996. He said that he was proposing to reduce "the cumbersome number of nine down to seven councillors". He also noted that the Mayor of South Sydney City Council had no formal role in the central business district. As a consequence, that mayor was removed from the planning committee.

I speak as someone who once worked in the office of the Minister for Local Government, and there is no way the Minister would have been able to take the action he did without formal advice from the Department of Local Government and without that department having had advice from the Crown Solicitor. If he did take action without that advice, there is no way the Governor would have signed an Executive Council minute without formal advice. So, we have very strong grounds for seeking access to that advice. It is important that we understand whether the Government has acted legally and what advice it was acting upon.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.56 p.m.], in reply: I thank the honourable members who have spoken in this debate. As many have indicated, this motion should not be necessary. I would have liked to address the points put by the Minister for Local Government, but there were none, so there is nothing to address. I commend the motion to the House.

Motion agreed to.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS) BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [3.57 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

In line with the continuing Government commitment to ensuring that victims of crime have a voice to be heard in the courts of NSW, this Bill represents another step along the path of victims of crime related reforms that this Government has been responsible for.

As announced by the Premier in August 2003, the Government will allow the victims of violent crimes to have their victim impact statements heard in Local Courts. At present a victim impact statement may only be received by the Local Court where the offence being dealt with has resulted in a death, or it is an offence for which a higher maximum penalty may be imposed where death is occasioned. However, there are many very serious offences dealt with in the Local Court that are not covered by this existing provision.

The proposed change would enable the Local Court to receive victim impact statements when an indictable offence listed in Table 1 to Schedule 1 of the *Criminal Procedure Act 1986* is dealt with summarily and results in either actual physical bodily harm to any person, or involves an act of actual or threatened violence or an act of sexual assault. Once the Local Court has received a victim impact statement, this would also entitle the victim to read out the victim impact statement at such time as the Local Court determines, following conviction but prior sentencing.

The offences listed in Table 1 to Schedule 1 to the *Criminal Procedure Act 1986* are indictable offences that are to be dealt with summarily unless the prosecutor or the person charged elects otherwise. This includes offences such as malicious wounding, maliciously inflicting grievous bodily harm, aggravated indecent assault, and dangerous driving occasioning grievous bodily harm. These are serious offences resulting in actual physical violence or threatened violence or an actual sexual assault. Allowing victim impact statements in these cases would assist Magistrates in imposing appropriate sentences and would provide a reminder prior to sentencing of the objective seriousness of an offence.

I commend the Bill to the House.

The Hon. GREG PEARCE [3.57 p.m.]: The Opposition does not oppose the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill, which expands the category of offences in relation to which a Local Court may receive and consider victim impact statements. The Victims Rights Act introduced the concept of victim impact statements to the criminal justice system in New South Wales. These statements allow victims of serious violent crime to detail for a Supreme Court, a District Court or a Local Court the impact that the crime has had upon their lives. The court then takes the statements into account prior to sentencing.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CIRCULAR QUAY FERRY ACCIDENT

The Hon. MICHAEL GALLACHER: My question is directed to the Minister for Transport Services. Was the master of the *Lady Herron* at the time of the 20 February accident in which the ferry ploughed into Circular Quay undergoing type rating to operate the Lady class of ferries?

The Hon. MICHAEL COSTA: As the honourable member ought to be aware, this matter is under investigation and I do not intend to comment on—

The Hon. Patricia Forsythe: That does not mean you cannot comment.

The Hon. MICHAEL COSTA: I am not going to comment. I will allow the investigation to proceed. There were reports that individuals were in training at the time, but we should let the investigation go ahead. A full report will be made public once the investigation is concluded.

BUSHFIRE SAFETY GUIDELINES

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Minister for Emergency Services. What is the Government doing to improve planning in bushfire-prone areas?

The Hon. TONY KELLY: As part of this Government's commitment to ensuring our bushland communities are safe places in which to build and live, the Rural Fire Service is reviewing its bushfire safety guidelines for builders and developers. These guidelines are detailed in "Planning for Bushfire Protection 2001", a publication jointly produced by the Rural Fire Service and PlanningNSW to assist councils, planners, fire authorities, developers and homeowners. This is the second revision of the document, which was originally produced in 1991, to keep pace with changes to the planning process and legislative reforms.

Since August 2002 builders, developers and local councils have been required to apply the guidelines to planning and development in relation to bushfire protection measures. The measures are aimed at protecting homes and the people who live on the fringe of bushland. Just as importantly, the measures are about protecting the firefighters who come to the aid of families during a bushfire. We want to make sure that they are not put in greater danger because of unsuitable and unsafe development. The planning regulations are not about preventing development; they are designed to make fire prevention and safety integral to the State's planning laws, producing fire-smart planning and building in the most bushfire-prone region in the world. "Planning for Bushfire Protection" continues to be reviewed and updated as new research about fire impacts on buildings comes to hand. A panel convened and chaired by Mr Ross Smith, who is a former assistant commissioner of the Rural Fire Service, is carrying out the review. The panel includes a representative of the Department of Infrastructure Management and Natural Resources, as well as other stakeholders.

In line with the recommendations of the 2002 parliamentary joint select committee that examined the bushfire emergency over the 2001-02 Christmas-New Year period—the Hon. Rick Colless and I served on it—the review will determine whether any amendments to the guidelines are required. The Rural Fire Service will seek submissions from interested individuals and organisations on suggested refinements. I understand that public notices will be placed in the media in coming days. It is anticipated that any changes should be finalised later this year. As part of the general review of the guidelines the panel will seek to update the guidelines in relation to development controls and land-use planning, such as local environmental plans; to improve the scope of the document, particularly in relation to "infill development" and tourist accommodation; to refine construction requirements and elaborate on the methods of determining bushfire attack; and to provide greater guidance on requirements for special fire protection purposes, in particular tourist accommodation. I encourage anyone with an interest in the planning and development control process in relation to bushfire safety to make a submission to the review panel. I will, of course, update the House on the results of the review process and any revisions or changes to the document.

GENETICALLY MODIFIED CROP TRIALS

The Hon. DUNCAN GAY: Is the Minister for Agriculture and Fisheries able to give a guarantee that under his plans no New South Wales farmer will be held accountable at any time for any financial liability should any genetically modified contamination result from the 2004 coexistence trial application of Monsanto and Beyer if it is approved? Is the New South Wales Government satisfied that the application for this trial addresses all major consumer, market and environmental concerns?

The Hon. IAN MACDONALD: I welcome the question from the Deputy Leader of the Opposition—it is in fact a dorothy. He is probably referring to the article in the Herald at the weekend. While the honourable member said that he supported trials, I noted that he said that he was concerned about issues such as liability. He can rest assured that the issue of liability is being dealt with in great detail by the advisory committee established by this House to advise me on matters relevant to proposals for exemptions for research projects under the legislation relating to genetically modified [GM] crops. He can rest assured that the issue of liability will be dealt with. In fact, I know the answers now but he can wait until we get some further information from the advisory council in the near future.

The Hon. DUNCAN GAY: I ask a supplementary question. When can we expect that information?

The Hon. IAN MACDONALD: This gives me a good opportunity to explain to the honourable member how the processes under the GM advisory council work. The honourable member might recall that the

legislation passed last year provided that the advisory council has a 28-day window to advise me in relation to matters relevant to a proposal for an exemption. So, for instance—

The Hon. Duncan Gay: It was not a difficult question. We will hang you out again. Just answer the question. It will save you a lot of trouble in the long run.

The Hon. IAN MACDONALD: You are going to get the answer as it is according to the legislation that was carried in this House—nothing more, nothing less.

The Hon. Duncan Gay: You said you had it but you would not tell me.

The Hon. IAN MACDONALD: I am saying to you that the advisory council will report, I presume, within 28 days from when the proposal was put to it.

The Hon. Duncan Gay: That is not what you said in the answer.

The Hon. IAN MACDONALD: I did not say anything like that.

The Hon. Duncan Gay: You did. You said you knew what was going to happen.

The Hon. IAN MACDONALD: I said I know some of the answers to the question you were putting in relation to liability. But it will be revealed, I am sure, by the advisory council when it reports to me. I am sure that it will deal with liability issues, as you saw with the report of the committee recently on releasing material. You will find that the answer to the question will be contained in the recommendations of the advisory council that it puts to me, which will be 28 days from when it received the proposal. I think that was at the end of February, so it will report to me, according to the legislation passed by this House, before the end of March.

MEDIA CRITICISM OF JUDGES

The Hon. PETER BREEN: My question is directed to the Minister for Justice, representing the Attorney General. Is the Minister aware of extensive criticism of two New South Wales appeal judges, Justice Mason and Justice Wood, on radio and in print media following a Court of Appeal decision to order a new trial of an alleged rape offender in August 2000? Is it the Minister's intention to impose restrictions on the way the press can criticise judges? If so, what are the restrictions?

The Hon. JOHN HATZISTERGOS: I am aware of the criticism that has been referred to. I am not aware of any intention to impose any restrictions on the press.

DIGITAL MEDIA DEVELOPMENTS

The Hon. AMANDA FAZIO: My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will the Minister inform the House of developments in New South Wales digital media?

The Hon. MICHAEL EGAN: I thank the honourable member for her question. The strength of the New South Wales film and digital media industries was highlighted last year by the filming of *The Matrix Reloaded* and *Matrix Revolution* in Sydney.

The PRESIDENT: Order! The Hon. John Ryan will come to order.

The Hon. MICHAEL EGAN: Footage for the digital video game version of *The Matrix* was also filmed at Fox Studios and other locations around Sydney. The capabilities of the local digital media industry and our cost competitiveness attracted *The Matrix* producers to Sydney. In December last year, Perception, a New South Wales computer game development company, won a large contract with Jo Wood, an Austrian games publisher, to develop Sony Playstation 2, Microsoft Xbox and personal computer games. These games will be based on the MGM science fiction film—

The Hon. John Ryan: I do not imagine that you have played an Xbox game.

The Hon. MICHAEL EGAN: Is the Hon. John Ryan interjecting on me or having a conversation—

The Hon. John Ryan: I am having a chat with your mate.

The PRESIDENT: Order!

The Hon. MICHAEL EGAN: The honourable member should be listening to the answer that I am giving to a serious question, not having a chat with the Minister for Transport Services. I commend the honourable member on the fact that his—

The PRESIDENT: Order! The Minister is correct. If the honourable member wishes to have a conversation he should leave the Chamber.

The Hon. MICHAEL EGAN: I was going to say something about the Hon. John Ryan's hair—but I am in no position to do so. It is getting better. These games will be based on the MGM science fiction film and television series *Stargate* and the project will generate 100 jobs over five years. Following the success of the first Cross Media Lab event in June 2003, a second cross media event was held in Sydney between 6 and 11 February 2004. The focus of the Cross Media Lab was expert international and local mentors advising Australian small businesses that have new media concepts on how to produce a commercially successful interactive digital media project. Of course, I am an expert on that subject! Already four of the eight projects mentored in 2003 have received development funding. The Cross Media Lab was co-sponsored by the Department of State and Regional Development—

The Hon. John Della Bosca: And my department.

The Hon. MICHAEL EGAN: Perhaps the question should have been to my colleague.

The Hon. John Ryan: He might know what an Xbox is.

The Hon. MICHAEL EGAN: I must admit that I do not, and I do not intend to find out. The 2003 Australian Interactive Media Industry Association Awards were held in association with the Cross Media Lab in February. The association is headquartered in Sydney and is the peak national body representing the digital content industry. More than 500 local and international representatives attended the awards ceremony. That is very impressive. Winners from the eight awards categories will participate in the 2005 World Summit Multimedia Awards to be held in conjunction with the United Nations World Summit on the Information Society in Tunisia. New South Wales is well positioned to take advantage of opportunities in this high-growth industry, and I am pleased that my department and others have demonstrated their ongoing support for the digital media industry.

NSW AGRICULTURE ADVISORY COUNCIL ON GENE TECHNOLOGY

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I direct my question to the Minister for Agriculture and Fisheries. How can the Minister claim to have received independent advice from the NSW Agriculture Advisory Council on Gene Technology when the majority of its members have a clear interest in the 5,000-hectare commercial genetic engineering [GE] canola trial going ahead? Is it not a fact that the CSIRO is in partnership with Monsanto, the New South Wales Farmers Association is a trial co-operator and GrainCorp is involved as a participant in the co-existence trial? Is it not also true that the Grains Research and Development Corporation member helped to develop the controversial canola industry stewardship principles and that the NSW Agriculture member, Lindsay Cook, is an enthusiastic supporter of the trial and has stopped anyone in NSW Agriculture from speaking out on GE? Will the Minister reject the advice of that biased council and seek genuinely independent advice?

The Hon. IAN MACDONALD: I have some difficulty dealing with this question.

The Hon. Dr Arthur Chesterfield-Evans: I am sure that is right.

The Hon. IAN MACDONALD: I am trying to find a grain of sense in it. When the legislation dealing with the membership of the committee was debated the honourable member supported it. Every person on the committee and all the groups they represent—

The Hon. Duncan Gay: Not me.

The Hon. IAN MACDONALD: Bar one, which the Hon. Duncan Gay has pointed out—the grain handlers.

The Hon. Duncan Gay: No, the grain harvesters.

The Hon. IAN MACDONALD: It is near enough. The majority of this House supported the composition of that committee. If the honourable member wants to change it he must bring in an amending bill.

STATE FORESTS SOFTWOOD PLANTATIONS PRIVATISATION

The Hon. JOHN RYAN: I direct my question to the Treasurer. Will the Treasurer give a commitment that the $700 million windfall that the Government expects to gain by selling its plantation forests will be used to retire debt and not for recurrent expenditure?

The Hon. MICHAEL EGAN: I thank the honourable member for an important question, which was probably prompted by an erroneous claim in *The Australian Financial Review* this morning. The article contained two inaccuracies. First, it was stated that the Government is planning to sell or privatise State Forests of New South Wales. The Government has not made that decision. It is looking at a range of options to ensure that the State's forestry industry remains competitive and sustainable and provides jobs. As honourable members are aware, it is a very important industry. The Government has made no decision about privatisation, and it is exploring all the options. The second erroneous statement in the article was that the Government is thinking of selling State Forests because it is confronting a budget deficit. Those honourable members who know how things work—

The Hon. Duncan Gay: You have covered it up by stealing money out of the electricity arrangement.

[*Interruption*]

The Hon. MICHAEL EGAN: The Special Minister of State should ignore him.

The Hon. Duncan Gay: You ignore me only when I am right.

The Hon. MICHAEL EGAN: Madam President, will you also tell him to keep quiet?

The PRESIDENT: Order!

The Hon. MICHAEL EGAN: I am answering an intelligent question asked by the Hon. John Ryan and I want to give him a complete answer. Those who understand how budgets work in all Australian States—all jurisdictions put their budgets together under the same rules—know that the proceeds of the sale of a government business are not counted as revenue. Obviously they reduce debt, but we cannot use the proceeds of the sale of a government business as revenue to affect the budget result. Even if the Government were to sell a government business for X million dollars during the year that would not affect the budget result in any way. As honourable members are aware, this Government has used the proceeds of every sale to reduce debt.

The Hon. Duncan Gay: What about the electricity business that you sold to yourself?

The Hon. MICHAEL EGAN: No. What does that mean?

The Hon. Duncan Gay: You loaded them up with debt and put the money you got into consolidated revenue.

The Hon. MICHAEL EGAN: That is right, but we did not count it as part of the budget result. The honourable member knows that and he is being silly if he is pretending otherwise.

The Hon. Duncan Gay: No I am not.

The Hon. MICHAEL EGAN: The honourable member is being very silly. I know that he knows better. What is more, he knows that I know that he knows better. That is why he is looking embarrassed. The Hon. John Ryan might not understand that, but I know that the Hon. Duncan Gay does. It does him no credit that he pretends he does not know.

KIRKCONNELL CORRECTIONAL CENTRE INMATES DISABILITY ASSISTANCE DOGS TRAINING

The Hon. IAN WEST: My question is addressed to the Minister for Justice. Will the Minister enlighten the House as to the outcomes of the Department of Corrective Services partnership with Assistance Dogs Australia in the Prison Pups Program?

The Hon. JOHN HATZISTERGOS: In June 2002 an inaugural meeting of the Prison Pups Program was held at the Windsor Drug Dog Detector Unit in order to formalise an action plan regarding the introduction of a Prison Pup Program at Kirkconnell Correctional Centre. This collaboration has seen the commitment by my predecessor Richard Amery come to fruition. The former member for Heathcote, Ian McManus, had approached him with this initiative.

I am pleased to inform the House that last Friday four golden retrievers involved in a training program on behalf of Assistance Dogs Australia, and trained by inmates, graduated from the Prison Pups Program at Kirkconnell Correctional Centre. I had the honour of attending the event and seeing Quinn, Riley, Robby and Rocky graduate from Kirkconnell to the Assistance Dogs Australia academy in Sydney where they will complete their training. It has been a while since we have had a question about dogs—since Michael Egan retreated from the field.

The dogs will undergo intensive training in Sydney before being allocated to the homes of people with physical disabilities in the central west area of New South Wales, not too far from where they received their initial training. The program owes its success to the collaboration of five local businesses from the Kirkconnell area. KF Concrete, TLE Electrical, Fengor Plant Hire, A & A Welding, and John Thurgood Electrician generously agreed to donate construction materials, labour and resources to build the specially designed kennel area and housing compound. In doing so, emphasis was placed on teaching several inmates construction and labouring skills under the direct supervision of custodial staff. The Commissioner for Corrective Services approved additional resources required for the project to assist inmates to handle and train the dogs, and various correctional centres donated materials, signage and other items to make the project a reality.

Assistance Dogs Australia is a non-profit charity that was formed in 1996 to train and maintain dogs to assist people confined by physical disabilities. It obtains, trains and maintains dogs in community settings to assist people who are unable to be fully mobile, giving such people more confidence and helping them achieve a greater level of independence. It costs approximately $20,000 to train each labrador and golden retriever, and there is currently a long list of people in New South Wales waiting for such dogs.

The purposes of the Prison Pups Program and the involvement of inmates in it are the development of a sense of responsibility in the selected inmates, to enable inmates to acquire skills in pet care, the provision of appropriate pet care strategies, and the utilisation of inmates in the construction and ongoing maintenance of the facilities at Kirkconnell. This collaboration has demonstrated that correctional centres and the community can work together to provide valuable community-focused programs that benefit persons who would not normally have the support or resources necessary to ensure their independence. Special mention should be made of Correctional Officer Scott Kean, the officer in charge of the program, who received a commissioner's commendation, and of Kirkconnell's Governor, Barbara Andrews, for her efforts in facilitating the program.

Up to 16 Kirkconnell inmates, past and present, have been involved in training the dogs to integrate with groups of people, adjust to traffic and community noises on field excursions to Bathurst, and undergo command and behaviour modification to suit their role as assistance dogs for people with disabilities. Another group that has played a part in getting the dogs ready for the outside world are the students from Kirkconnell Public School who assisted the dogs in becoming accustomed to various social environments and a range of community members who took the dogs on various expeditions. They should be commended for their contribution.

The department, the commissioner, and Kirkconnell's governor and staff have all nurtured a fine project in which all participants are winners. I am pleased to advise that the department will continue its involvement in the program and that the next set of pups will arrive at Kirkconnell in April. As a result of the program the inmates have acquired additional skills, the pups have become assistance dogs, local businesses and students have been fruitfully involved, and the people with disabilities who receive these dogs will each gain four helpful paws and two steady eyes, helping them to accomplish everyday tasks that many others in the community may take for granted.

GENETICALLY MODIFIED CANOLA TRIALS

Mr IAN COHEN: I ask the Minister for Agriculture and Fisheries a question without notice. Have employees of NSW Agriculture been gagged from speaking about the proposed genetically modified canola trials? Is it a fact that they only get information from media reports? Was this gag ordered by the Minister's office, or by someone in NSW Agriculture? What is the reason for this cult of secrecy? Is the Minister afraid that the truth about these trials might get out?

The Hon. IAN MACDONALD: That is an absolutely nonsensical question. I do not think Mr Ian Cohen needs any information from NSW Agriculture with regard to those trials; he has a couple of members on the advisory council who can tell him everything.

ACMENA JUVENILE JUSTICE CENTRE RIOT

The Hon. CATHERINE CUSACK: My question is directed to the Treasurer. Has he been fully briefed on the cost to taxpayers of the Acmena Juvenile Justice Centre riot last December, in which detainees seized full control and gained access to all parts of the centre? Is the Treasurer aware of statements by the Minister for Juvenile Justice, whose media release said that the cost of damage was "well in excess of $500,000", but who later told a local newspaper it was "$250,000 to $300,000", and who finally informed Parliament that it was actually $400,000? Did the Treasurer also receive this conflicting advice? Does the Minister for Juvenile Justice possess a sufficient grasp of the figures to accurately and efficiently oversee the expenditure of taxpayer funds in her portfolios?

The Hon. MICHAEL EGAN: I thank the Hon. Catherine Cusack for her questions. The answers are as follows: No, no, no and yes.

The Hon. CATHERINE CUSACK: I ask a supplementary question. In light of the Treasurer's answer, has he given favourable consideration to the Minister's submission for urgent funding to rectify security flaws, including the need for internal security cameras at Acmena Juvenile Justice Centre?

The Hon. MICHAEL EGAN: That is not a matter that would normally come to my direct attention. If there is such an application for funding, it is not a matter that I would necessarily deal with.

DISABILITY SERVICES

The Hon. KAYEE GRIFFIN: My question without notice is addressed to the Minister for Disability Services. What action is the Government taking to improve services for people with a disability in New South Wales?

The Hon. CARMEL TEBBUTT: The Government is acutely aware of the growing need for disability services throughout New South Wales. That is why it has invested significant additional funding for disability services since it was elected in 1995. I was pleased to be on the Central Coast last week to announce the rollout of two programs statewide that will be welcome news for people with a disability, their families and carers, and service providers. The programs involve respite care and attendant care.

Those who are not familiar with the care of people with a disability may have little idea of the immense relief that respite care can bring to hard-pressed families and carers. Similarly, the Government recognises how important it is for a person with a disability to remain as independent as possible in his or her community. That is why I was pleased to announce the rollout of an additional 400 flexible respite places in New South Wales. Four hundred families throughout New South Wales who care for children and young people with a disability can soon look forward to having a much-needed break as the Government begins to roll out $3.2 million worth of recurrent, flexible respite services.

The funding will go to more than 30 service providers located throughout New South Wales. It will provide an additional 85,000 hours of care each year. Of that funding, $75,000 went to the Sunnyfield Association on the Central Coast. The association and other service providers do a tremendous job, particularly in helping the Government to support around 500 people with a disability every day on the Central Coast. The funding will enable Sunnyfield to provide an extra 1,880 hours of flexible and combination respite care to people in Gosford, Peats, Wyong and The Entrance.

The Government currently spends around $5 million a year on respite care on the Central Coast, where around 20 people a day are accessing respite care. What does respite mean for families? It means individually tailored, flexible services to assist them, including in-home support, weekends away, 24-hour out-of-home care, overnight breaks, and host family respite. I am pleased to say that government funding for respite care statewide has doubled since 1996, with a total investment of more than $122 million this year. This enables the Department of Ageing, Disability and Home Care to fund more than 230 organisations to deliver respite services throughout New South Wales. In 2002-03 these service providers, on any one day, assisted more than 17,250 older people and people with a disability.

Last week I also announced the rollout of 100 additional places under the Attendant Care Program, which provides up to 34 hours per week of personal-care support to a person with a disability. The program is designed to assist people with a disability to live as independently as possible, and to take part in community life. Care involves activities such as going to a person's home, getting them out of bed, washing and dressing them, getting them ready for work or other activities, and making meals. The new attendant care places were funded by an additional allocation of $21.5 million over four years in the 2003-04 budget—

[*Interruption*]

If it states "over four years", obviously we have not spent the money yet. The 100 new places bring the total number of people assisted under the program to 314. I am pleased to advise that 21 of the additional 100 places have been approved for attendant care, 29 are currently under consideration, and the remainder of the 100 places will be progressively made available up to the end of May this year. The expansion of places under these two programs will be very welcome to people with a disability, their families and their carers throughout New South Wales.

ALCOHOL IN THE WORKPLACE

Ms LEE RHIANNON: I direct my question to the Minister for Industrial Relations. Is the Government concerned about the use of alcohol and drugs in the workplace? What steps has the Government taken to promote the policies on the web site of the Office of Industrial Relations and the Department of Commerce recommending that employers adopt policies that restrict or prohibit the use of alcohol in the workplace?

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the first time.

The Hon. JOHN DELLA BOSCA: The honourable member asked a very important question about alcohol use and abuse and its relevance to occupational health and safety in the workplace. I think the question may be related to a matter the honourable member gave notice of earlier in the day. That being so, I will seek the liberty of the House to provide the member with a detailed answer to her question as soon as possible.

WATER USE EFFICIENCY INCENTIVE SCHEME

The Hon. RICK COLLESS: My question is directed to the Minister for Agriculture. How much funding is left in the Water Use Efficiency Incentive Scheme? Has the Minister been advised when this funding will run out? If so, when was he first advised that this would happen? Is the Minister aware that irrigators in the Western Division, who have completed four-day irrigation courses and farm irrigation plans, were assured that the scheme would operate until June 2004, but have recently been told that all grant funds have already been committed? Given that these irrigators were not advised of insufficient funding to meet any applications other than those already in the system before meeting the eligibility criteria, what action will the Minister take to ensure that applications will be processed, or will the Minister reimburse the irrigators' costs of meeting the eligibility criteria?

The Hon. IAN MACDONALD: In July 1998 the Government established the Irrigated Agricultural Water Use Efficiency Incentive Scheme as part of the Government's water reform agenda. Water reforms create an incentive for water to be moved to higher value enterprises and to be used more efficiently. The Water Use Efficiency Incentive Scheme, a joint Government-irrigator investment framework, was designed to facilitate the adoption of water efficient and water security technologies and improve irrigation management. The scheme ran for five years and was due to terminate on 30 June 2003, but the Government agreed to provide a further $5.395 million to extend the scheme for another 12 months, or until the additional funds were utilised. Due to very high and unprecedented levels of demand, the available funding for this financial year has now been fully allocated. As part of the broader Murray debate the Government will also be considering other incentive schemes for farms to improve their water use efficiency. In relation to specific examples, I will have a good look at the matter and reply to the honourable member in due course.

AUSTRALIAN TECHNOLOGY SHOWCASE AND IPV PTY LTD VENDING MACHINE LAUNCH

The Hon. TONY BURKE: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer please inform the House about the latest initiative of the Australian Technology Showcase program to promote locally based technologies?

The Hon. MICHAEL EGAN: A Gosford Australian Technology Showcase company by the name of IPV Pty Ltd is preparing to launch what it claims is the world's first vending machine capable of turning a frozen pie into a hot crispy meal in less than a minute. I am told that Australians eat 260 million pies a year. On average Australian men eat about 20 pies a year and Australian women about nine. So it is only natural that an Australian company is credited with marketing the world's first hot pie vending machine.

The pies that IPV sell in its Hankers hot food vending machines are low fat and low salt. I do not know why that reference has been put into my answer; I have no interest in that matter and I have no intention of giving any succour at all to the health fascists! The Hankers device can also hold up to 20 different varieties of frozen food, including pizzas, chicken and nuggets, and these also can be turned into quality hot dishes in less than a minute. While there were vending machines on the market that could heat refrigerated food, none had the technology to transform frozen food into a crispy treat in such a short time. The vending machines also have onboard computers that allow them to be monitored via the Internet so that the owners—or IPV—know how many products have been sold or when restocking is needed.

Two worldwide patents have been taken out on the vending machine's cooking technology and delivery mechanism. The level of interest in these machines has been tremendous. From recent trade shows IVP believes that over 10,000 machines will be installed Australia-wide and internationally within a very reasonable time. The Hankers machine will be officially launched on the market in May or June and will be specifically targeted at hotels, clubs, railway stations, work sites and university campuses. Trials of the vending machines have been conducted at venues that include St Vincent's Hospital, Central Coast Leagues Club, the Catholic Club at Campbelltown, the Australia Post staff canteen and the Royal Hotel at Randwick.

Reverend the Hon. Dr Gordon Moyes: What about Parliament?

The Hon. MICHAEL EGAN: No, they have not been tested at Parliament, but we could do with one here. It would probably stop me hiking across the Domain down to Harry's, which I occasionally do. It is a bit too hot to do that today, although I did go for an exercise walk. Harry's pies are very good as well. Innovative technologies such as the IVP Pty Ltd Hankers vending machine will continue to be supported by the Australian Technology Showcase program to ensure that companies capture new business opportunities, both locally and internationally.

GREY NURSE SHARK PROTECTION

The Hon. JON JENKINS: My question without notice is directed to the Minister for Agriculture and Fisheries. Recently the Minister and the Premier made an announcement at Byron Bay concerning the grey nurse shark and marine national parks and reserves. Will the Minister report to the House the dates of any consultation with the recreational fishing community or other organisations with regard to the grey nurse shark or any other shark species? Will the Minister report similarly to the House any such consultation with recognised environmental groups such as the Total Environment Centre? Further, will the Minister outline any plans to ban the use of large and/or stainless steel or other non-corroding hooks? Will the Minister outline any plans to ban or limit long or set-line fishing?

The Hon. IAN MACDONALD: There has been ongoing consultation over the past six months or so about issues relevant to the grey nurse shark. In fact, the honourable member would recall that late last year a further review was commenced of the current policies relating to the protection of the grey nurse shark, particularly in the 10 critical habitats along the east coast. We have received about 1,500 submissions from all the sectors that have an interest in this matter. The submissions have been made available to Dr John Stevens from the CSIRO, an acknowledged marine expert who looking into these issues at the moment.

As the Premier and I pointed out at Byron Bay, the issues are being amplified by the new research that is being conducted. Late last year three sharks were electronically tagged. These electronic tags enable us to accurately identify shark movements and the depth and temperature of water that they venture into at any point during the period that the tags are attached to the sharks. The first tag has already surfaced from a shark with the nickname Tammie, and that data is now being processed. This hi-tech procedure involved corrosion of the loop that held the tag on to the shark's dorsal fin.

The tag has come to the surface and is sending beams via the Noah satellite system to America. That data will be forwarded to Port Stephens for collation. The electronic tags for two further sharks, Maihi and Tailrope, will be released on 11 March and 23 April. The data, depending on weather conditions, will be

gathered by satellite and assessed over the next three months. This will provide an accurate analysis of the movement of the shark. We believe it is water temperature related, and we hope to consider various measures to more accurately protect its critical habitat. Only between 410 and 450 sharks remain along our coast. The shark is already extinct around Japan, the Mediterranean and the Canary Islands. It is rapidly becoming extinct along the east coast of America, South America and South Africa.

In 1984 New South Wales was the first Australian State to declare the shark a protected species. In 2000 the declaration was upgraded to endangered species, and in 2002 it was included in the critical habitats legislation. Honourable members can rest assured that the Government will consult with every interest group once the data has been collected and assessed to ascertain what future measures can be taken to save the shark. We will then undertake a final round of consultations and review our policies.

ABALONE INDUSTRY

The Hon. DON HARWIN: My question is directed to the Minister for Agriculture and Fisheries. What action has the Minister taken to seek relief for the New South Wales abalone industry from paying a 6 per cent community contribution fee to New South Wales Treasury in light of the plethora of problems facing the industry, including disease, the impact of severe acute respiratory syndrome on export sales and the rise in the value of the Australian dollar? Has this community contribution fee been reduced, and by how much? What is the proposed time frame for the implementation for this fee relief? For what purposes are these community contribution fees paid to the New South Wales Treasury being used?

The Hon. IAN MACDONALD: I thank the honourable member for this timely question. Last Friday I met with representatives of the abalone industry and dealt with precisely these issues. I received an economic analysis of the industry's plight, which showed over the past two years a fall-off in profitability for the industry. The Government will look at the trend over a five-year period. I note that from Port Stephens to Jervis Bay the abalone industry is coping with an outbreak of Perkensis disease, which has led to closure of the industry in that area. The industry is also dealing with severe acute respiratory syndrome and the value of the dollar, which is at a 10-year high and which is impacting on exports to Japan. Also, extensive poaching has led to the seizure of abalone from a number of restaurants in New South Wales.

I have undertaken to look at industry's economic analysis. Honourable members might recall that last year I announced, with respect to forthcoming share management fisheries legislation and the implementation of such fisheries in this State, that areas not already formed into share allocations will pay zero community contributions. When I have received the economic material from the abalone industry I undertake to make representations to the Treasurer.

YOUTH ROAD SAFETY SEMINARS

The Hon. TONY BURKE: My question without notice is directed to the Special Minister of State. Will the Minister update the House on how the Government is working to improve youth road safety in New South Wales?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his interest and for giving me the opportunity to update the House on the Government's commitment to reducing the incidence of motor vehicle accidents and the consequent injury and disability amongst young people. Each year more than 150 young people are killed on our roads and a further 7,000 are injured. It is even more significant that those in the 17- to 25-year age group are more than twice as likely as any other age group to be injured in a motor vehicle accident.

To help address youth safety in 2001 the Motor Accidents Authority established the Arrive Alive Program, and honourable members would no doubt be aware of that program. It does not simply tell young people not to speed or not to drink and drive. Rather, Arrive Alive involves young people in road safety. It allows young people to get involved and develop messages in their own terms and in their own language. In other words, it gives young people ownership of an issue that affects them with potentially tragic consequences.

I am pleased to inform the House that young people across the State have embraced Arrive Alive. The program's partnership with South Sydney Leagues Club and the National Rugby League has seen the Rabbitohs visit thousands of school students to talk about the importance of road safety. Another proven success of the Arrive Alive Program has been its grant funding. These grants encourage young people to come up with

innovative ideas to improve road safety in the local community. The second round of Arrive Alive grant funding was recently concluded, with the Motor Accidents Authority receiving a total of 40 applications. More than $171,000 has been allocated to fund 20 Arrive Alive projects across New South Wales.

Some of the projects funded in 2004 include the development of a video and forums with Aboriginal youth in Grafton. Grafton team leader Telithia Johnson received a $10,000 grant and will work with the Sons of Warriors Aboriginal Co-operative. In Griffith a group of young people supported by the regional theatre received $10,000 for a project that will use special events such as variety nights, disc jockey workshops, performances, plays and newspaper articles to provide positive youth road safety messages. On the Central Coast $10,000 was granted to a group of young people to train as peer leaders and to hold a camp for more than 80 young people who will focus on drink-driving issues. Young people in Mount Druitt have received a grant of $5,000 to develop a rap song about road safety and to conduct theatre workshops in their local area.

These are just a few examples. The 2004 allocation of Arrive Alive grants have gone to young people from Armidale, Ballina, Bega, Burwood, Campbelltown, Hawkesbury, Junee, Newcastle, Parkes, Port Macquarie, Shellharbour, Taree and Wagga Wagga. I congratulate all applicants in the recent round of Arrive Alive grants. I thank those young people for their commitment to road safety, and I look forward to their projects getting under way and to beneficial outcomes.

CANNABIS USE

Reverend the Hon. Dr GORDON MOYES: I ask the Special Minister of State a question without notice. Is the Minister aware that the Institute of Psychiatry in London has warned that cannabis use is now the number one problem facing United Kingdom mental health services? Is the Minister aware that 80 per cent of new cases of schizophrenia involve a history of cannabis use and that four different studies in the past two years found that teenagers who use cannabis were seven times more likely to develop a psychotic mental illness such as incurable schizophrenia or manic depression, known as bipolar disorder? What action is the New South Wales Government taking to address this problem in our State through detoxification and rehabilitation programs, especially court-ordered and supervised detoxification rehabilitation programs? What action is the Government taking to communicate the truth about Australia's most dangerous drug's link to mental illness?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for asking this very good question. I am not aware of the specific research from Britain to which he referred, although those of us who are familiar with research and outcomes by clinicians in Australia—and even our own area health services across the State—would not be surprised by the gravity of the information. Although I cannot verify its accuracy, the general concern is that clinical, anecdotal and epidemiological evidence increasingly indicates that the habitual use of cannabis is linked to a variety of mental health problems. Although far from being a consensus, certainly schizophrenia, bipolar disorder and other serious mental illnesses are part of that general concern.

The Carr Government has been keen to tackle another implication in the honourable member's question, that is, the assumption that is fairly evident, particularly in New South Wales and in Australia at large, that cannabis is a relatively harmless drug. That is assumed not by young people—in fact, a lot of younger people now realise that cannabis is a fairly serious drug with fairly serious implications, certainly if it is used habitually. Unfortunately, young people got the message from the generation best represented in this Chamber that cannabis is a relatively harmless drug. In fact, that is not correct.

The Government is dealing with cannabis use by way of a number of strategies. The first is to break down that prejudice. Honourable members are already familiar with, and I have answered a number of questions about, public information health campaigns based on successful antismoking messages and other public health messages that have got across the message about the effects of cannabis on lifestyle and on anything from sporting prowess to general health and recreation. That strategy has been tailored for young people dealing with the effects of cannabis on their lifestyle, at least when harmful levels are used. We have distributed that material through high schools, cinemas and a range of areas where young people are known to congregate for various reasons.

There are a number of programs relating to cannabis use. Recently I announced a number of important programs through the education system that are aimed at prevention. There are two different programs. One being distributed throughout the New South Wales school system deals with the provision of accurate information in simple terms for young people and their parents about the effects of cannabis. Another set of materials is designed for school counsellors and teachers dealing with young people who have already

developed a problem with cannabis use—in other words, it has become a problem or they have abused it. The honourable member referred in his question to a number of specific treatment initiatives. While we have not been able to substantiate that it is an absolute world first, I think the honourable member is familiar with the Government's announcement of clinics specifically dedicated to the treatment of cannabis abuse and use. We have launched the first of those clinics, in co-operation with the Salvation Army.

The Hon. Duncan Gay: We tried to get this through the Drug Summit and your tame tigers opposed it.

The Hon. JOHN DELLA BOSCA: We have now implemented this proposal.

The Hon. Duncan Gay: That is what happens when you stack it with your tame tigers.

The Hon. JOHN DELLA BOSCA: I acknowledge the honourable member's interjections for the purpose of showing that he is not dealing with this issue as seriously as it should be dealt with. The Government has announced that there will be four specialist cannabis clinics for dependent cannabis users. That is certainly an Australian first and a world first. That is a $2.65 million commitment. We have also made a $1.5 million commitment for a specific cannabis component in drug education. We have trialled a number of early intervention initiatives and counselling. [*Time expired.*]

EMPLOYMENT FORECAST

The Hon. JENNIFER GARDINER: My question is addressed to the Treasurer. What action has been taken to address the fact that while the Hon. Michael Egan has been Treasurer, New South Wales has been steadily losing its share of jobs to Queensland and Victoria? Is the Treasurer aware that the *Sydney Morning Herald's* latest employment forecast has found that just to maintain today's share of jobs, New South Wales would need an extra 9,500 jobs on top of the 31,000 jobs forecast for the February and May quarters? Is the Treasurer concerned about the loss of jobs to Queensland from, for example, the Tweed valley? What is he doing to stem the outward tide?

The Hon. MICHAEL EGAN: I am delighted to inform the House that since I have been Treasurer New South Wales has gained almost 500,000 additional jobs. That is a net addition of almost 500,000 new jobs in just under nine years.

The Hon. Duncan Gay: The other States have done better. You have lost.

The Hon. MICHAEL EGAN: The Deputy Leader of the Opposition says that the other States have done better. No other State has got anywhere near 500,000 new jobs. What is more, I can inform the House that in the 12 months of the 2003 calendar year New South Wales gained 2.1 per cent employment growth. Given the fact that our population growth is about 1 per cent, given that New South Wales, and particularly Sydney, was feeling the effects of the global slow down in information technology, finance, business services, and tourism, and given that New South Wales was also being hit by the drought, more so than the other States, that employment growth in 2003 was a very commendable figure. However, there is another side to it that I think will interest all members of the House, particularly those in Country Labor.

Whilst the overall growth in employment in New South Wales last year was 2.1 per cent, in Sydney it was only 1.1 per cent. So one might ask: Given the drought, how did we get 2.1 per cent statewide? We got that because employment growth in New South Wales outside Sydney was a massive 3.5 per cent. That was at a time when country New South Wales was severely affected by the drought. Under this Government, the economy of rural and regional New South Wales has become so diversified that growth in other employment sectors in regional and country New South Wales was able to outstrip the fall in agricultural employment. So I take my hat off to regional and country New South Wales on an excellent performance. I do not think an employment growth rate of 3.5 per cent can be achieved in two consecutive years.

I will tell the House what is being sent to Queensland. At the behest of the Commonwealth Government, a lot of our taxes are being sent to Queensland! Some $2.5 billion a year of the taxes that people in New South Wales pay is being siphoned off to the other States by the mad Commonwealth Grants Commission, under the Howard-Costello Government. That is their recommendation, without a moment's thought. If the Commonwealth Grants Commission gets its way, and unless we can convince Mr Howard and Mr Costello to see commonsense and do the fair thing by New South Wales, that $2.5 billion subsidy will increase to $3.1 billion. That is because the Commonwealth Grants Commission has adopted some new relativities.

The PRESIDENT: Order! I call the Hon. John Ryan to order for the second time.

The Hon. MICHAEL EGAN: What those new relativities mean for next year is this: For every 86.7¢ that a resident of New South Wales gets back from the Commonwealth Government, Queensland will receive $1.05 and South Australia will receive $1.20.

The Hon. Rick Colless: They are better negotiators than you.

The Hon. MICHAEL EGAN: It is not a matter of negotiation. Indeed, if members opposite think that I am not presenting the case as strongly as I can— [*Time expired*.]

The Hon. JENNIFER GARDINER: I ask a supplementary question. Does that not prove that Queensland's Premier, Mr Beattie, and his Treasurer have managed to put a stronger case to the Commonwealth Government to attract new jobs? The Treasurer is a failure.

The Hon. MICHAEL EGAN: I was about to say that if Opposition members think that I have not put a strong enough case, I would love them to put their case because what has been missing in all of this is support from the Opposition for the people of New South Wales. Members opposite are gloating about the fact that New South Wales is about to lose another $376 million. They are not outraged about it. They are not going to John Howard and Peter Costello and saying, "This is simply not on. This is unfair. This is disadvantaging the people of New South Wales." They are gloating about it.

One wonders whether the Opposition in this State is going to Howard and Costello and saying, "Take more from them." From what we are seeing here today there is no support for New South Wales, no support for the people to retain that $76 million. Opposition members are delighted about it. They are supporting the Commonwealth Government. They are quite treacherous. They have no interest in the taxpayers of New South Wales or in the quality or level of service provided to them. I caution them and give them some advice: If they were to join with the Government in condemning this outrage against the taxpayers of New South Wales they would be doing a service not only to the people of New South Wales but also to themselves politically. The public of New South Wales expect the Opposition to stand up for them in light of this recent Commonwealth action. Members of the Opposition should be ashamed of themselves.

If members have further questions, they might like to place them on notice.

Questions without notice concluded.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. GREG PEARCE [5.01 p.m.]: As I said, the Opposition does not oppose the amendments in this bill. Currently, the Local Court may receive and consider a victim impact statement in relation to an offence that results in the death of any person or an offence for which a higher maximum penalty may be imposed when death is occasioned. The bill also amends the Crimes (Sentencing Procedure) Act to enable the Local Court to receive victim impact statements when certain indictable offences are dealt with summarily that result in either actual physical bodily harm to any person, or involve an act of actual or threatened violence or an act of sexual assault. Table 1 of schedule 1 to the Criminal Procedure Act lists the various offences—such as malicious wounding, maliciously inflicting grievous bodily harm, aggravated indecent assault, and dangerous driving occasioning grievous bodily harm. That will be the subject of this amendment. Once the Local Court has received a victim impact statement the victim will be entitled to read out the statement following conviction but prior to sentencing as determined by the Local Court.

Ms LEE RHIANNON [5.02 p.m.]: The Government has a program of gradually increasing the use of victim impact statements in our court system, and this bill is the latest in a series of bills to achieve this. The bill extends the use of victim impact statements in the Local Court. As I have said before, the Greens understand the trauma that victims of crime experience and we sympathise with the stress and difficulty they must cope with. We also understand the need that some victims have to become closely involved in the judicial process relating to the crime. The bill appears to address that need, so the Greens will not oppose it. Nevertheless, we place on

record our view that the bill is merely window-dressing. We believe it will have little effect on sentencing, crime rates, or the wellbeing of victims. It may fuel victims' expectations of having a greater level of input, while in reality having little effect on the court process. The Greens hope that the Government's recent emphasis on victim impact statements will soon be replaced by a focus on progressive, preventative legislation that reduces the number of victims.

Reverend the Hon. FRED NILE [5.03 p.m.]: The Christian Democratic Party is pleased to support the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill. We congratulate the Government on this further expansion of the use of victim impact statements, and particularly the assistance they give to the victims of crime so they can tell the court how they were affected by the offence. Previously, this privilege was only available in the Supreme Court, the Industrial Relations Commission or the District Court, but this bill will provide that privilege in the Local Court. That is very important. It will cover matters in table 1 to schedule 1 to the Criminal Procedure Act, which deals with actual physical bodily harm to any person or an act of actual or threatened violence or an act of sexual assault.

I note that in these offences there is reference to aggravated indecent assault. I would like the Minister to clarify that the term "sexual assault" is not restricted to sexual assault that does not involve violence. I suppose one could argue that every sexual assault or rape involves violence, but in some cases a woman may be raped as a result of being terrified but without the presence of actual physical violence against her, such as bashing. In other words, if there is such a thing as a non-violent rape, is it covered by the bill so the victim will have the right to make a victim impact statement? Even without violence, a woman would be just as traumatised and affected. We support the bill.

The Hon. PETER BREEN [5.06 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill. Victims of crime have a legitimate stake in the justice system. Often there is a perception in the community that the continuing rise of victims' rights has an adverse impact on civil liberties, particularly in the context of the criminal justice system, and on whether prisoners have the full benefit of due process. I personally support the idea of victims being represented in the criminal justice system. It has a sobering effect not only on the prisoner but also on the judiciary. The number of people affected by crime is often quite staggering, and the victim's statement provides an opportunity for people to understand the impact of the crime, not just on the victims directly involved but on the perpetrators as well. The perpetrators of crime and their families do not have a say in the justice system, but the impact statement has the additional benefit of highlighting to the court the wide and detrimental impact that crime has on the community.

In the past few weeks I have been the subject of quite a lot of mail—email and mail by post—from victims of crime. They feel that I do not represent their interests in the community because I argue for prisoners. I place on record that I represent only two prisoners: Stephen Jamieson and Bronson Blessington. I have told the House before the context in which I represent the interests of those prisoners. I do so at the behest of their families and friends, not on a whim of my own. Their families also have a legitimate stake in the justice system, and it is important that people involved with crime—offenders, prisoners—have the opportunity through members of Parliament or their legal representatives to have their interests put before the court. With those few words I support the bill. It is important that victims of crime have a legitimate stake in the justice system and that that is recognised by this House.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [5.09 p.m.], in reply: I refer Reverend the Hon. Fred Nile to the definitions in schedule 1 to the Criminal Procedure Act 1986, which refers to actual or threatened violence or an act of sexual assault. I think that covers the circumstances that seemed to be causing him concern. I thank honourable members for their contributions, except for the specious criticism made by Ms Lee Rhiannon. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ELECTRICITY (CONSUMER SAFETY) BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [5.11 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Members might recall that in May last year the Minister for Fair Trading spoke of pending reforms to the Electricity Safety Act 1945. A national competition policy review of the sections covering electrical articles and installations has been completed, and the Government now intends to remake this important consumer protection legislation with some amendments to further re-affirm our commitment to the safety of consumers and residents in New South Wales.

The Government has considered the comments from extensive consultation with consumer, industry and union representatives, and the recommendations from the review in preparing this bill.

The untold number of lives saved, injuries prevented and property undamaged because of the Electricity Safety Act could only, and inevitably did, demonstrate the need for the continuation of this legislation.

There can be no dispute with the public safety objective of the legislation, and the bill now before Parliament continues to meet the essential safety principles laid down while promoting more efficient administration.

Electricity plays a vital role in our everyday lives. Electrical articles which plug into our electrical installations are ubiquitous and innumerable: consider the televisions, computers, kitchen appliances, heaters, vacuum cleaners and other domestic products which run on mains power.

The Electricity Safety Act is a mechanism to ensure that electrical articles and wiring work meet national and internationally recognised standards. It ensures that consumer electrical articles are safe for purchase and hire and that information asymmetry is balanced in favour of consumer safety.

The Electricity Safety Act ensures that all electrical items must be made to minimum safety standards. We have inspectors checking retailers and wholesalers to ensure compliance. To further protect the public, items from certain classes of articles must be tested, approved and marked before they may be made available to the public. These are goods which are high risk because people have high levels of exposure to them—goods such as household appliances, mobile phone chargers, electric lawn mowers, extension cords, and safety switches—things we take for granted are safe to use. And they are safe to use because of the electricity safety legislation. If an item is found to be unsafe, action can be taken against a supplier under this legislation.

Consumers have the right to be confident that the electrical articles they buy are safe to use, and this legislation meets that objective.

At the same time, consumers using domestic, commercial, and industrial installations have an obligation to maintain their installations to the best of their knowledge and ability. This is a requirement under the Electricity Safety Act.

It is encouraging to note that the trend in electricity-related fatalities in New South Wales has shown a continuing decline over the 57 years since this legislation commenced. The safety recommendations and regimes that have grown from the legislation protect life and property in this State, not only in the electricity industry, but in homes and businesses. These safety provisions cover the power lines which carry electricity around the State and the table lamp plugged in at your bedside or on your office desk. But we can still do better in fatality reduction and consumer protection.

New South Wales has amongst the lowest incidence of death by electrocution in Australia, but one fatality is one too many. Tragically, during 2002, 10 fatal electrical accidents were reported, compared with 39 fatal electrical accidents when the Act was introduced in 1955, a peak of 42 fatal electrical accidents in 1959, 25 fatal electrical accidents in 1994, 20 fatal electrical accidents in 1997, and 15 fatal electrical accidents in 2000. This downward trend is encouraging, but can be improved even further. This legislation, since its introduction, has played an important role in minimising the number of fatalities and injuries.

The Minister for Fair Trading jointly administers the Electricity Safety Act 1945 with the Minister for Energy and Utilities. Under the Act, the Minister for Energy and Utilities is responsible for regulating safety in the electricity generation, transmission and supply industries; associated accident reporting and investigation functions; registration of systems to prevent corrosion of electricity supply structures; safety inspections of private installations; and promoting the energy efficiency of electrical appliances—an important contribution to this Government's greenhouse abatement initiatives.

The Act has been rewritten in plain English. The bill before you achieves this in two ways: the provisions have been modernised, but, in addition, administration of the legislation has been split to clarify areas of responsibility.

Matters administered by the Minister for Energy and Utilities have been transferred to either the Electricity Supply Act or the Energy Administration Act as appropriate. This provides for improved administrative efficiency and enhancement of the consumer protection framework, underpinned by a comprehensive inspection and regulatory regime. The sections which provide certain powers, duties and functions to the Energy Corporation of New South Wales, the corporate entity of the Ministry of Energy and Utilities, are being transferred to the Energy Administration Act. Provision for the inspection, investigation and reporting of matters relating to network assets are more properly housed under the Electricity Supply Act.

The provisions administered under the Fair Trading portfolio prescribe a regime for safe electrical articles, the safety of electrical installations and reporting and investigation of accidents involving articles and installations.

The bill before the House has been discussed with consumer, employer and employee representatives to ensure that the legislation is appropriate for the needs of this modern, dynamic and high-tech society. The provisions of the Electricity Safety Act have been strengthened to further enhance the protection and safety of consumers.

The coverage of the 1945 Act and the technology it regulates has advanced an inordinate amount since the original legislation commenced. Part of the Act's intent was to ensure electricity was available everywhere in the State, not only where supply was commercially viable. Electricity is now used by over 99% of New South Wales household installations and the vast majority of commercial and industrial places.

The electricity industry in New South Wales is a significant and dynamic industry, with over 3 million network customers and over 280,000 kilometres of wires. Twenty licensed retailers compete to supply those 3 million customers by buying electricity from the national wholesale market and arranging for the electricity to be conveyed to their premises through transmission and distribution networks across southern and eastern Australia. As at 30 June 2002, total revenue from the sale of electricity in New South Wales was $7.4 billion.

Whilst this Government has taken steps to reduce electricity-related accidents within households and workplace premises, it remains an unfortunate fact that accidents still do occur. Continuing the Government's initiatives to improve electricity-related safety, the powers of Ministry of Energy and Utilities inspectors and Office of Fair Trading investigators have been enhanced. In the future when undertaking an investigation, an authorised person's powers to make enquiries will not be limited to the place where a serious accident occurred. The key benefit is that all causes of an accident can now be more thoroughly investigated. Under current legislation, an investigation can be hampered by the inability of an authorised person to obtain relevant information from other sites. Investigations will also be possible at all premises where commercial activity involving electrical works and articles is carried on, although a search warrant will remain necessary for entry to the parts of places used for residential purposes.

Penalty notices will be introduced for clearly identified one-off breaches relating to electrical articles and installations. The key driver for change is to improve levels of compliance and enforcement in New South Wales and to align New South Wales with equivalent interstate legislation.

The Government is taking this opportunity to strengthen the enforcement aspects of the electricity consumer safety legislation. Maximum penalties for breaches will correspond with the seriousness of those breaches. Electricity is essential to our society, but electricity can also kill, injure and burn and irresponsible actions cannot be tolerated. Poorly manufactured electrical articles and substandard wiring work present hazards to life and property. Attempting to supply or sell an electrical article which does not meet even the minimum safety requirements will attract a fine of up to $550,000 for corporations—$825,000 for repeat offenders, and $55,000 for individuals or $82,500 for repeat offenders. A person or corporation who knowingly fails to ensure the safety of their electrical installation and therefore poses a threat to themselves, their neighbours and their environment may face similar penalties. The offence of undertaking electrical wiring work other than in accordance with the Wiring Rules has been transferred from the regulations into the Act to underscore the importance of professional electrical wiring work.

Penalties under the articles and installations regulations will also be increased to properly reflect the nature of offences. Under the regulations, a maximum of $55,000 will apply in the case of corporations and $27,500 for individuals.

The House should know that one of the recommendations from the review of the Electricity Safety Act is not supported.

This concerns the exclusion from the Electricity Safety Act of electrical installations which use privately generated power. We can understand that these remote installations might originally have been exempt because there were so few of them, or because they were so inaccessible. However, there are an increasing number of commercial and domestic installations with stand-alone electricity generators which have the same lethal potential as installations connected to the mains supply—approximately 5,000 of them. People who own and use these remote installations have as much responsibility to themselves, their families, neighbours and their environment to ensure—to the best of their knowledge and ability—that the installation is safe. It is not acceptable that the responsible government authority has no power to inspect the credentials of someone doing wiring work or investigate a complaint about an electrician's work at a business or home which has been running on electricity from its own generator. This bill reflects general support for all electrical installations to be covered by this important safety legislation.

The provisions of the Electricity Safety Act relating to electrical articles and installations have been remade in this Electricity (Consumer Safety) Bill, with some amendments, to improve the administration of the legislation, to enhance consumer safety, ease the burden on suppliers of electrical articles and to underscore the serious intent of this safety regime. In addition to the measures already mentioned:

- definitions have been clarified and will be consistent across related electricity and occupational health and safety legislation;
- the power to declare the classes of electrical articles which require approval will be transferred from the Governor to the regulator, but will remain in line with the nationally consistent regime already in place;
- suppliers of all electrical articles may be required to prove that an electrical article they sell meets the minimum safety standards if there are serious questions about the safety of that article;
- suppliers will have the certainty that certificates of approval for declared articles will remain valid for the full term of the approval;
- the Commissioner for Fair Trading will be able to apply for an injunction to enforce an agreement, such as to cease the sale of an unsafe article;
- a procedure for notifying the Commissioner for Fair Trading about serious accidents relating to electrical installations and articles will be put in place;
- legal proceedings for breaches of the Act will be able to be commenced within two years after an offence is detected, but no later than five years after the offence, recognising that, for example, poor wiring work might not be detected until several years after it was done; and
- appeals against administrative decisions will be made to the Administrative Decisions Tribunal instead of the Minister.

The legislation before the House will further enhance the safety measures in place in relation to electricity supply, electrical articles and installations and therefore further protect the consumers of electricity in this State.

I commend the bill to the House.

The Hon. MELINDA PAVEY [5.12 p.m.]: I lead for the Coalition on the Electricity (Consumer Safety) Bill, and I can say at the outset that we do not oppose the bill, which supports increased consumer safety in the important area of electrical safety. As the mother of two very young children who knows that an 18-month-old toddler finds it more interesting to put aside the Fisher and Price toys and to play instead with a power point, I realise how important electrical safety issues are. Electrical safety is a very important issue for consumers and the industry. Tradespeople have certain obligations and responsibilities to do their work properly and efficiently, and the bill will ensure that we are up to date.

The Electrical Safety Act 1945 is jointly administered by the Minister for Fair Trading and the Minister for Energy and Utilities. The Act makes provision for secure use of electricity and certain electrical equipment. It also enables the reporting and investigation of serious electrical accidents. It is a mechanism for guaranteeing that electrical articles and wiring work meet standards that are nationally and internationally recognised. The Act ensures that all electrical items are manufactured to minimum safety standards. Inspectors check retailers and wholesalers to ensure compliance.

A National Competition Policy review of electrical articles and installations began in 2001. An issues paper was circulated following the completion of the review and the stakeholders were encouraged to respond by way of a survey. This bill is a result of the consultation and review. The provisions relating to electrical articles and installations are remade in the Electrical (Consumer Safety) Bill, with amendments, in an effort to improve the legislation, to enhance consumer safety, to ease the burden on suppliers of electrical equipment, and to highlight the serious intent of the safety organisation.

The definitions in the Act have been further classified in the bill to ensure consistency with other electricity and occupational health and safety legislation. The bill has improved the powers of the Minister for Fair Trading, the Minister for Energy and Utilities, and inspectors. An undertaking of an investigation will now no longer be limited to when a serious accident has occurred. All causes of an accident can now be comprehensively investigated. Investigations can be carried out at all premises where commercial activity involving electrical works and articles is conducted. However, a search warrant will still be necessary for entry into residential premises.

Penalty notices will be introduced for clear one-off breaches relating to electrical articles, works and installations. Significant fines will be issued for attempts to supply or sell electrical articles that do not meet minimum safety standards. Clause 16 states that a person must not sell an electrical article if, in the case of a declared electrical article, the article is not of a model of electrical articles that has a model approval or a class, description or model that has been approved or registered by the relevant authority for another State or Territory, or a model of electrical articles that has been approved or certified under a recognised external approval scheme.

I am assured by the shadow Minister for Consumer Affairs, Katrina Hodgkinson, a member of the other place, that the fines will reflect those in the occupational health and safety legislation—up to $555,000 for corporations and $825,000 for repeat corporate offenders, and $55,000 for individuals and $82,500 for repeat individual offenders. These are not small fines, and upon the passage of the bill they will ensure compliance with the new laws. Offences for undertaking wiring work other than in concurrence with the wiring rules have been transported from the regulations into the bill. Corporations will be liable to a maximum fine of $55,000 and individuals to a maximum fine of $27,000. Suppliers will have the certainty of knowing that certificates of approval for declared articles will remain valid for the full term of the approval.

The provisions of the bill also apply to the sale of second-hand goods. This is a significant change in the legislation. Second-hand electrical articles must meet minimum safety standards. There will be further review of the regulations and the Minister will announce details in the months to come. The provisions will have a significant impact on weekend garages sales. If a person buys a second-hand fridge that has a serious fault that shows up within a short period the seller may be liable for any damage that occurs as a result. This will have an effect on garages sales. It is important that consumers and the general public are made aware of these changes. I suggest that it would be appropriate to advertise the changes in the *Trading Post,* in classified sections of newspapers, and on the Internet.

In the other place the Minister addressed some of the concerns expressed by the Legislative Review Committee about further regulations proposed by the Minister, the definition of an electrical installation, and the withholding of information from an inspector during an investigation. In reply to the second reading debate the Minister said:

> The details and extent of the proposed regulation-making power will be subject to public debate when a regulatory impact statement is released this year, including a cost-benefit analysis.

However, the Minister promised that this would in no way impose costs or responsibilities on a consumer that currently do not apply. In relation to giving evidence the Minister said that the bill continues the Act's existing protection that a person can remain silent with reasonable excuse. In the other place the honourable member for Wagga Wagga raised some important issues that the Minister later clarified. He referred to a person purchasing property and then discovering, perhaps 12 or 18 months later, that the property had faulty wiring. The honourable member asked who was liable and who would pursue the former owner in that scenario. The work may have been done by the owner of the home, a handyman, or an electrician. Who would be held responsible? Would the new owner of the property be able to pursue the previous owner or the electrician over the faulty work or would the Office of Fair Trading take action on the new owner's behalf?

If the authorities deemed the work to be faulty, would the electrical supply to the property be disconnected? The Minister responded that the owners would be obliged to fix the electrical fault. However, they would not be liable for prosecution because they were not aware the fault existed when they purchased the home. She also pointed out that the Office of Fair Trading would be able to pursue the electrician responsible for the faulty wiring, and that the handyman would be prosecuted for carrying out electrical work without a licence. This is a significant bill that will impact on the people of New South Wales. It contains sensible amendments recommended following a sensible national competition policy review. It is in the interests of consumers that we make safer something we take for granted every day. The Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [5.21 p.m.]: The Christian Democrats support the Electricity (Consumer Safety) Bill. As has been said, the bill has arisen from the national competition policy review of the legislation that regulates electrical installations and articles. The final report of the review was released in May 2003. The people of New South Wales must have absolute confidence that all the electrical devices they buy are safe, and this legislation will help to ensure that people can be confident when buying electrical appliances from retailers. New South Wales has the lowest incidence of electrocution-related deaths in Australia but, of course, one fatality is one too many. In 2002, 10 fatal electrical accidents were reported, compared with 39 when the Act was introduced in 1955. The population would have been much smaller then and there would not have been as many electrical appliances, so the downward trend is encouraging. Hopefully this legislation will result in the complete eradication of these fatalities.

The electricity industry in New South Wales is very large. There are now three million network customers, more than 280,000 kilometres of wiring, and 20 licensed retailers who buy electricity on the national wholesale market and compete to supply consumers. Much more electricity is now used. I encourage the increased use of decorative lights on houses during the Christmas season. People use many different lighting systems to highlight the birth of Jesus Christ and the Christmas season and all of those devices must be rigorously tested. Some consumers who have no knowledge of electricity are installing wiring systems. I did it myself and while doing so I was very concerned that I could be electrocuted.

The Hon. Duncan Gay: Do you have a safety switchboard?

Reverend the Hon. FRED NILE: Yes.

The Hon. Duncan Gay: That is a good start.

Reverend the Hon. FRED NILE: We have them on all of our appliances. Given the greater use of these lighting systems and the fact that amateurs are installing them, those sold in supermarkets should be carefully checked. They may have been imported and be subject to different production standards. Each product should also include explicit installation instructions.

Ms SYLVIA HALE [5.24 p.m.]: The Greens do not oppose this bill. However, I note that once again we are considering technical and procedural legislation that has very few implications for the good management of the State. It is a shame that members get so little opportunity in this Government's third term to deal with significant issues, such as the undermining of our public services.

The Hon. Duncan Gay: It is not its third term; it is its final term.

Ms SYLVIA HALE: I agree. These issues are of crucial significance to the people of New South Wales. The primary purpose of this legislation is to iron out glitches in the system of national uniform standards

for electrical products that are served by the main electricity grid. The Greens welcome uniform standards where they increase safety, social cohesion, and environmental efficiency. It would be good to see this Government working with its Labor colleagues in other States to introduce uniform standards in some other important areas, such as the defamation law and the treatment of temporary protection visa holders. Nevertheless, the Greens have no objection to the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.27 p.m.]: I support the bill, although it is motherhood legislation. Obviously the national competition policy is designed to ensure more variety in the market, but that can create problems because products are cheaper. Standards Australia has endeavoured to ensure safety, and one wonders whether it is looking after local manufacturers by making things more complex. However, electrical safety is extremely important. My house has nearly burnt down twice. On the second occasion crumbs in the toaster, which is stored behind a roll-down blind, caught fire because the switch was accidentally turned on when the blind was closed. If my wife had not noticed the fire the house could have burnt down. New electrical cut-off switches compare the electricity coming into and out of the house and if a significant short circuit occurs the electricity is cut off. Safety switches are an important aspect of domestic appliance safety and are to be commended as a technological advance.

It is interesting that this bill has been introduced in response to 10 electrocution deaths a year. It demonstrates a commitment to reducing deaths that have a cause-and-effect relationship. However, there are 18 deaths each day from tobacco-related illnesses. Recently, at the behest of the tobacco-industry-funded Australian Hotels Association, the Government postponed for a year smoke-free indoor air regulations despite the fact that 18 people are dying each day from tobacco-related diseases. That says a lot about the emphasis people put on direct deaths as opposed to situations that result in deaths—yet from an epidemiological point of view the people are just as dead.

Other safety mechanisms will be included in the Electricity Supply Act. The reporting of accidents is extremely important at the supply level and the individual level. My nephew was electrocuted by a Western Power cable hanging over a river. The mast of the boat on which he was travelling hit an overhead power line at exactly the same point at which a barge had hit it and knocked it down 19 months earlier. The coroner's inquest, which I attended, established that no notification had been sent to the head office about the original barge incident. When asked to read the accident record book, the foreman of the electrical depot said he did not have his glasses with him and that it was very bad writing.

This was the book in which the foreman, supposedly, recorded all the incidents in his area. It made me wonder whether he was literate. As anyone who has studied literacy in the work force would be aware, the first thing an illiterate person says is, "It's bad writing". The second thing an illiterate person says is, "I haven't got my glasses with me", because the person does not want to admit that he or she cannot read the document. Of course, the barrister, not being as aware of occupational health and safety issues as I am, did not say, "Will you please read these very large letters", to test the proposition that the man could not read.

The Hon. Duncan Gay: Where is Western Power located?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Western Power is in Western Australia. The lack of recording of accidents at a utilities level was fatal for my nephew. As I have said on other occasions in this House, it is important that the utilities hierarchy take responsibility for corporate manslaughter; it cannot simply be pushed to the lower level, regardless of whether the people are literate.

The legislation should be supported. I do not know whether this degree of detail should come before this House, but I presume that changing the nature of the Act means that changes must also be made with regard to the people responsible. I believe that major accidents and incidents should be recorded, as an alternative to a tort-based system. If minor accidents were recorded and councils were held responsible for those accidents, and there was serious discussion about how much money should be spent repairing footpaths and so on, we would not have the crisis in public liability that we now have.

In a sense, we are looking after electrical deaths in great detail; we are living in terror of public liability insurance. Indeed, in some areas politicians cannot even hand out election material. Those who do not have their own public liability insurance cannot even put up a card table from which to hand out pamphlets. Footpaths along waterways have been closed by councils because they do not want to take the risk of people slipping in the mud on footpaths that are not maintained. Accidents and incidents should be recorded and action should be taken in respect of them, rather than each accident and incident being the subject of personal injury claims and tort insurance claims at enormous cost, and insurance premiums going to Zurich and other insurance companies at whatever rate seems convenient at the time.

I commend the Government for introducing the legislation, but it needs to look beyond electrical deaths. For example, it needs to look at the prevention of tobacco deaths and the prevention of accidents. It needs to look at the risks that people have in day-to-day living that one should attempt to quantify and prevent, rather than simply having tort law to clean up afterwards with fear being the driving force for preventative efforts. I do not oppose the bill, but the Government ought to more thoroughly consider some of the issues.

The Hon. John Della Bosca: So you are happy with the motor accident reforms?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The motor accident reforms, which simply put a cap on claims and make it more difficult to claim, are a farce; they do nothing for prevention. They simply mean that fewer injured people have any redress, and the insurance companies make larger profits from similar premiums.

The Hon. John Della Bosca: What about WorkCover?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: As a result of its bad management of claims, WorkCover has increased its costs considerably. The secret to good workers compensation management is good claims management and, as a result, good prevention, and a good information system. I am not sure that WorkCover has addressed the problem, and nor has the motor accidents legislation. A close reading of my speeches at that time would enlighten the Minister as to the correct path. I am glad he is showing such an interest in this issue.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [5.34 p.m.], in reply: I thank members for their contributions and their support for the Electricity (Consumer Safety) Bill, and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the day No. 6 postponed on motion by the Hon. John Hatzistergos.

NATIONAL PARKS AND WILDLIFE AMENDMENT (KOSCIUSZKO NATIONAL PARK ROADS) BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [5.36 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Before turning to the detail of the bill, let me first provide some relevant background.

On 31 July 1997, the House would recall that a section of the fill embankment along the Alpine Way above Thredbo in Kosciuszko National Park collapsed. Tragically, a landslide followed killing 18 people.

In 2000, the State Coroner brought down his findings and, among other things, recommended that the Government commission an independent review of the appropriateness of the National Parks and Wildlife Service retaining responsibility for urban communities and road maintenance within national parks.

In response to this, the Government commissioned Mr Bret Walker SC to undertake this review.

Mr Walker recommended:

- That the ski resort areas be retained within Kosciuszko National Park;
- That a new planning regime be put in place for the ski resorts, in which the Minister for Infrastructure, Planning and Natural Resources is the consent authority; and
- That responsibility for the Alpine Way and Kosciuszko Road be transferred from the National Parks and Wildlife Service to the Roads and Traffic Authority.

We now have a new planning regime in the alpine region, in which the Minister for Infrastructure, Planning and Natural Resources is the consent authority for all development in the area.

With respect to Mr Walker's recommendation concerning the roads, the Roads and Traffic Authority and the National Parks and Wildlife Service have worked closely and arrangements are now in place that enable the transfer to proceed.

This Bill will therefore amend the *National Parks and Wildlife Act 1974*, to remove the Alpine Way and Kosciuszko Road from Kosciuszko National Park and vest the land in the Roads and Traffic Authority.

The road corridor to be transferred generally comprises the alignment of the Alpine Way and Kosciuszko Road, measured 20 metres from each side of the roads' centre line, with deviations to ensure that the major structural works that are integral to the road's long term stability, will lie within the road reserve.

Close attention has been paid to ensure that future management arrangements do not compromise either the safe management of the roads or the important conservation values of the park.

The new road management regime presents a more efficient division of responsibilities and a shared approach in which each agency will apply its relevant resources and expertise.

To perhaps state the obvious, the roads in Kosciuszko National Park present significant management challenges due to interrelated factors including geology, slope, drainage, climate and geographical isolation.

The Alpine Way was in fact originally built as a temporary construction road in connection with the Snowy Mountains Hydro Electric Scheme in the 1950s. Today, it is of course the main vehicular thoroughfare in a geographically isolated area and a vital asset to the regional economy.

The Alpine Way and Kosciuszko Road are used by hundreds of thousands of cars every year to access the all-year-round recreational attractions the park offers.

Under a memorandum of understanding, the Roads and Traffic Authority will manage the road reserve, including the usual functions of carrying out road works and managing traffic and road safety. It will also manage and maintain geotechnical monitoring equipment and structural works that are integral to road stability that are located in the adjoining national park.

The Bill makes specific allowance for the Roads and Traffic Authority to access land adjacent to the road reserve to carry out work and to place ancillary infrastructure and other devices that are necessary to monitor drainage and ensure the long-term stability of the road.

Arrangements have been made, supported by the Memorandum of Understanding, for the two agencies to share information and co-ordinate future risk reduction works in the area.

Let me assure the House that this Government remains firmly committed to upholding the integrity of the State's national parks system.

Kosciuszko National Park covers almost 675,000 hectares and is the largest national park in New South Wales. It contains the Nation's highest mountains, the famous Snowy River and all the New South Wales ski resorts. The alpine area of the park contains unique plant and animal species that don't exist anywhere else in the world.

The rich natural and cultural heritage the park, together with its growing range of recreational activities, attracts hundreds of thousands of visitors each year. Kosciuszko National Park is of huge importance to local communities who have done so much to help protect its heritage values.

Under the Memorandum of Understanding, the two agencies expressly seek to work together to preserve the natural environment. The National Parks and Wildlife Service will continue to manage conservation in the road reserve, including management of flora and fauna, weeds and feral animals, and fire control measures.

The Roads and Traffic Authority will develop an Environmental Management system, in consultation with National Parks and other stakeholders, before carrying out work in the road reserve.

In determining the appropriate road reserve corridor to be excised from Kosciuszko National Park, great care has also been taken to minimise impact on leaseholders within the Park.

Only minor adjustments will need to be made to the Kosciuszko Thredbo Pty Ltd head lease and the Charlotte Pass village lease. I would like to take this opportunity to thank the affected leaseholders for their understanding and cooperation as we implement reforms that will improve safety in the area. I am also pleased to report that the Roads and Traffic Authority and the National

Parks and Wildlife Service have worked cooperatively to resolve issues that surrounded the use of a strip lease located alongside the road at Perisher, and there will be no impacts on the Perisher Blue Pty Ltd lease.

There are gabion walls and drainage structures that are essential to the structural integrity of the road that currently encroach on the Kosciuszko Thredbo lease area. It is essential for the Roads and Traffic Authority to own and manage these structures. This part of the lease area will therefore be vested in the Roads an Traffic Authority and the lease boundary will be adjusted accordingly.

The Charlotte Pass Village lease crosses Kosciuszko Road where a ski lift crosses the road. The road reserve will be narrower at this point and the lease boundary will be adjusted accordingly.

I understand that the Roads and Traffic Authority intends to enter into an agreement with the lessee, under section 138 of the Roads Act 1993, to allow for the ski lift.

The vesting of the road in the Roads and Traffic Authority will also be a vesting in stratum at some points. This will allow for the skitube lease to remain in Kosciuszko National Park. It will also mean that certain car parking spaces at Thredbo will remain in the lease area, while the infrastructure beneath the surface, which is integral to the stability of the road, will form part of the road reserve that is removed from the park.

Introduction of this Bill reminds us of the tragic landslide of 1997. This Bill continues the Government's commitment to doing everything possible to ensure the safety of visitors to Kosciuszko National Park.

This important Bill will see the State's principal roads authority managing the Alpine Way and Kosciuszko Road in Kosciuszko National Park, and the State's principal conservation agency managing the natural and cultural heritage throughout the national park, including in the road reserve.

I commend this Bill to the House.

The Hon. PATRICIA FORSYTHE [5.36 p.m.]: The Opposition does not oppose the National Parks and Wildlife Amendment (Kosciuszko National Park Roads) Bill; indeed, we have been calling for this legislation for some time. In 2001 the Government indicated that it would take this action as part of its response to the Walker report, following the independent review undertaken by Bret Walker, SC, after the tragic Thredbo landslide of 1997. The bill excises the Kosciuszko Road and the Alpine Way and their shoulders to a distance of 20 metres from the centre line, as well as associated structural works, from the national park, and provides for the excised land to be reserved as part of Kosciuszko National Park for traffic control purposes and the collection of entry fees.

The Alpine Way is a road that I am very familiar with, probably second only to the road to Newcastle. I have travelled on the Alpine Way perhaps more than I have travelled on any other road in the State, and I have had more holidays at Thredbo than at any other place in the world. As one might expect from someone who is as enthusiastic a skier as I am and my family are—or, in my son's case, a snowboarder—my husband has a single share in a ski lodge in Thredbo, so we have an interest in what has happened there. My family and I were in Thredbo just days before the tragic landslide there in 1997. Indeed, one of the people killed in the landslide was known to my husband. So I am both familiar with, and have an interest in and concern for, what happens in Thredbo.

I enjoy Thredbo for both its winter and summer activities. I look forward to spending Easter at Thredbo, as I have done for many years. I do my best to visit Thredbo every year on at least one or two occasions outside the ski season, especially to attend some of Thredbo's outstanding festivals—the jazz festival and the food and wine festival, to name just a couple. When I speak about the Alpine Way, I do so as a person who has travelled it significantly.

As I said, the Opposition has been calling for this legislation for some time. We understood that it was to be introduced soon after the last State election. We also understood that when the Minister responded to the Walker report on 20 February 2001 this would be the direction adopted by the Government, because it was indeed one of the recommendations of that report. The Walker report made four key recommendations regarding the management of the area's ski resorts. Clearly, however, responsibility for the Alpine Way and the Kosciuszko roads was to be transferred from the Roads and Traffic Authority to the National Parks and Wildlife Service.

No-one in this Chamber would say that what occurred at Thredbo was other than a terrible tragedy and that we would not want to see such a tragedy happen again. But I suspect as the debate unfolds in this place there will be some differences of opinion on how we manage the park in the years ahead. We agree with the Government that following the recommendations of Bret Walker, SC, better management of the roads should be with the Roads and Traffic Authority, not with the National Parks Association. We believe that the National Parks Association has not been a good manager of the system.

It is interesting that there are other agendas running. For example, one need only look at some of the comments that have been made. I refer particularly to the National Parks Association. While I respect the association's right to have an opinion—and I certainly understand that it is diligent in what it does and is very committed—in my view it is a one-eyed commitment; the association sometimes lacks balance.

The Hon. Duncan Gay: Sometimes?

The Hon. PATRICIA FORSYTHE: It lacks balance. Within a day of the Government's response announced on 20 February 2001 there was a press release headed "Green light for Developers in Kosciuszko", which began:

> The National Parks Association calls on the Government to retain the NPWS's overall responsibilities for planning and roads in Kosciuszko.

The Government suggested all sorts of things: it suggested that the proposed changes would lead to the Minister for Urban Affairs and Planning being put in charge of large developments and sewerage services. Andrew Cox, Executive Officer of the National Parks Association of New South Wales, said:

> This will accelerate development of the alpine park.

I remember having a number of discussions with Andrew Cox during the latter part of 2001-02 about his view on the management of the park. People who enjoy the recreational value of the park, particularly as a ski resort, are fundamentally at odds with the outlook of the National Parks Association. I am surprised at some of the comments the association has made subsequently. For example, Andrew Cox stated in a media release:

> Seceding control from National Parks will remove the statutory obligation for NPWS to control speed limits, prevent unnecessary road upgrades and widening and ensure roadside weed management and runoff is properly managed.
>
> Already the number of dead wombats and wallabies from speeding cars in the park is too high.

That is not what this is about. It is about proper management of the roads. Any suggestion that to remove the park's obligations will mean a lack of proper weed and road management, or to even suggest that the RTA has got a separate agenda that will not allow roadside weed management, is just nonsense. There is no suggestion that the statutory speed controls that the National Parks and Wildlife Service have in place will be removed. This is about the engineering issues that emerged over a period of time. When I was the shadow Minister for the Environment I recall receiving a number of press releases from people who have worked in the area, who have spent money there and who have given a commitment to the area as a winter resort. I will quote from one of the emails that the Opposition received when I was the shadow Minister and subsequently. Referring to the Alpine Way one email stated:

> The NPWS re-built the road to a standard of their own choosing. They are not required under the NPWS Act to adhere to Australian standards.

That is why we have this legislation. The email continued:

> The re-construction of the road has not been signed off. There is dispute over the protocol for maintenance of the gabions in the wall and the many hundreds of lateral drains. The dispute centres on responsibility for maintenance and the level of maintenance required.

Anybody who visits the area would know that the last section of road into Thredbo is probably the most over-engineered road in Australia. It may not conform to Australian standards but perhaps because the National Parks and Wildlife Service was not an expert in road building and given what had gone on, it certainly expended a lot of money to find a solution. But whether it was a cost-effective solution I am not sure.

The National Parks Association has had a very strong view over a long period of time that it wants to see absolutely limited expansion—in fact it would say no expansion—of the ski resorts. It argues that the only way this can be kept in check is by a vigilant environment movement. I have visited ski resorts in other national parks around the world, in Canada and the United States of America in particular. I know that at the end of the day it is about a balance. There may well never be a meeting of minds on this wherever the National Parks Association is involved but there are other people who believe they have a legitimate right to use the resources and enjoy the park, and they want to see it properly maintained. It is a vast park and it is one that I enjoy both in summertime—with its wonderful alpine scenery—and in winter. I certainly want to see a commitment to the area maintained and, given what we have seen happen there, I believe that that commitment should include the Kosciuszko Road, not just the Alpine Way.

I looked at some of the policies of the National Parks Association and it is interesting that it has basically a policy of no commercial developments in the parks unless it is by the National Parks and Wildlife Service, which is the only body that can engage in commercial developments in national parks and State recreation areas. That might be so as a matter of principle but the fact is that the use of the park for winter alpine activities, sports and recreation, has been a feature of New South Wales and Australian life basically throughout the 20th century. Some people in this place might say that is not appropriate, but my view is that the area contributes enormously to the State due to the money spent by tourists. Provided it is managed within a confined area—I am not for a wholesale expansion—I certainly think there can be and there should be an accommodation of the varying needs and uses of the park area.

Obviously it is for that reason that the Opposition supports and does not oppose the Government on this legislation. We are not here to talk about major developments; what we are talking about is sensible and safe road maintenance for the users of the park, and many people use the park. The road at times, particularly after heavy snowfalls, is quite dangerous, and yet I went to the park years ago when the national parks had not enforced a carrying of chains policy, which is something that it said it would do. People were caught in snowfalls and there were cars ahead of us sliding all over the road; it made getting into one of the resorts almost impossible. Fortunately, in the late eighties—from memory 1987—the Ski Tube was introduced, and that made access to one of the major ski resorts much better and, I hope the Greens would say, environmentally a better outcome. National parks does not cover itself with glory in terms of how it has managed the area and how it has managed the users of the area. I certainly believe that the RTA will do a better job.

Reverend the Hon. FRED NILE [5.49 p.m.]: The Christian Democratic Party supports the National Parks and Wildlife Amendment (Kosciuszko National Park Roads) Bill. The bill originated from the recommendations of the State Coroner following an inquiry into the landslide on the Alpine Way above Thredbo that killed 18 people. That terrible tragedy had a huge impact on many people, including spouses, relatives and members of the community. The Coroner recommended that the Government commission an independent review of the appropriateness of the National Parks and Wildlife Service retaining responsibility for urban communities and road maintenance within national parks. Apparently some misunderstanding about the upkeep of the Alpine Way led to that terrible tragedy.

Mr Bret Walker, SC, conducted the review and recommended that the ski resort areas be retained within Kosciuszko National Park; that a new planning regime be put in place for the ski resorts, with the Minister for Infrastructure and Planning, and Minister for Natural Resources as the consent authority; and that responsibility for the Alpine Way and Kosciuszko Road be transferred from the National Parks and Wildlife Service to the Roads and Traffic Authority [RTA]. We support those three recommendations, which are included in the bill. It is far more logical for the RTA to be responsible for roads in the area and we therefore support the bill.

The Hon. JON JENKINS [5.51 p.m.]: For the sake of people who lost loved ones in the Thredbo disaster, I will not rake the coals of the Coroner's findings or the other legal discussions in detail, except to say that they all questioned whether the National Parks and Wildlife Service had the capability to manage the complexity of road design and maintenance in this area. As late as 19 January 2004 the National Parks and Wildlife Service advertised for outside expertise to maintain the Alpine Way. The complex geology of these areas is well known to the Roads and Traffic Authority [RTA] and its engineers, which has the expertise at hand, the efficiency of scale and vast experience needed to maintain the mountain roads in a safe and cost-effective manner. Why would we not allocate the task to the RTA? The objection is, and I quote from a press release by the Colong Foundation, which states:

> … if the Bill is passed, the park will not be protected from development. These roads provide access to the ski resorts. There'll be increased pressure from the RTA to upgrade the roads and we believe the RTA will just give in to the developers at the first call.

Apart from the fact that we actually want the RTA to upgrade the roads and make them safe, that press release contains all the usual Greens' scaremongering known as fear, uncertainty and doubt [FUD]. The scare campaign is: if we make the roads safe, that will immediately lead to complete and absolute destruction of the Kosciuszko National Park by unchecked developers, greedy, self-seeking woodchippers and four-wheel drivers—the environmentalist vision of Purgatory! The analogy to a religious cult is intended, for that is what this smacks of. This amply demonstrates the antiquated, quasi-religious thinking of the agrarian movement of the era from which this stems.

The attitude may actually arise from the 1934 tenet of Colong founder, Myles Dunphy, that "the only way to conserve valuable wilderness is to place an embargo on roads in relation to it". This may have been true

in the early 1900s when someone could drive their cattle or pull a bullock team up the road for logging purposes. But like the outdated ideology this represents, that is archaic rhetoric. I say: let us leave the 1934 thinking where it belongs—in 1934. We support the modern version that the only way to conserve our valuable wilderness is to strategically place access roads so that we can manage the park and its threats, and allow the people of this State to enjoy nature's gifts. Therefore, we support the bill.

Mr IAN COHEN [5.54 p.m.]: The Greens oppose the National Parks and Wildlife Amendment (Kosciuszko National Park Roads) Bill. I am comfortable with being at odds with the rest of the House. If the Hon. Patricia Forsythe is applying the same balance with the development in the Kosciuszko National Park to her skiing in the national park, she might find herself headfirst in the snow. Much has been said about access, safety and like issues. Indeed, the Hon. Jon Jenkins does not deserve to be quoted. I can respect, though not agree with, his philosophy on wilderness and national parks but he has mixed his metaphors. The public has access to national parks but wilderness areas are completely different.

The Greens oppose the bill. Indeed, it might be worthwhile for certain members to listen to my comments because although FUD may be an interesting acronym, Myles Dunphy in 1934 was speaking of specific concepts that are true today and will remain so into the future. The Hon. Jon Jenkins has belittled and cheapened this visionary and pioneer, an historic figure who will be greater than any member of the Outdoor Recreation Party, now or in the future, if the party survives.

Kosciuszko National Park, named after Australia's highest mountain, Mount Kosciuszko at 2,228 metres, is one of the world's great national parks and the largest in New South Wales. It covers almost 690,000 hectares and contains the headwaters of some of Australia's major rivers—including the Snowy River, the Murrumbidgee River and the Murray River—most of Australia's snow and all of New South Wales' alpine zone and ski fields. One of the Australian Alps national parks, this park is nationally and internationally recognised as a UNESCO biosphere reserve. It contains six wilderness areas and its alpine and subalpine areas contain plant species found nowhere else in the world.

The park is also home to the rare mountain pygmy possum, Burramys parvus, and the endangered corroboree frog, pseudophryne corroboree. The possum was thought to be extinct until 1966 and is only found in Kosciuszko National Park above 1,500 metres and in the high country of Victoria. The changes proposed in the bill seriously threaten the integrity of the national parks system and severely diminish the capacity of what was the National Parks and Wildlife Service and is now the Parks Service Division of the Department of Environment and Conservation to manage the use of this park. They undermine national park planning processes and place the interests of road users ahead of the area's internationally significant conservation values.

Handing the Alpine Way and Kosciuszko Road to the Roads and Traffic Authority [RTA] will exclude the Parks Service Division from a formal role in their management, such as limiting major upgrades and controlling speed limits and snow clearing. This is completely unacceptable as severe environmental and social impacts can and do result from the proliferation and poorly controlled use of motor vehicles on natural lands. As the National Parks Association policy on motor vehicles in natural areas points out, motor vehicles can have heavy impacts. They can not only introduce biological problems such as planned pathogens like cinnamon root rot, phytophthora cinnamomi, and various weed seeds but also increase the risk of fire and littering.

They can cause severe social effects such as noise and air pollution. Indeed, the very presence of motor vehicles on natural lands, particularly in national parks, reduces their value for passive recreation of all kinds. Any change to management arrangements would, therefore, have serious ramifications for the management of conservation and heritage values within Kosciuszko National Park and set a dangerous precedent for other parks with the reserve system and is not, therefore, supported by the Greens. There is no need to transfer the Alpine Way and Kosciuszko Road to the RTA. The Parks Service Division should retain control and management of all park roads in national parks because there is no guarantee that with the RTA there will not be straightened, widened roads and speed limits raised. That is the real danger for alpine areas, in particular, with the black ice and dangerous, snowy conditions. The road transfer involves a massive 40-metre wide road corridor, 20 metres from each side of the roads' centre line.

This change is being presented as a response to the State Coroner's findings and the subsequent review by Mr Bret Walker, SC, following the collapse of the Alpine Way above Thredbo in Kosciuszko National Park, which tragically killed 18 people in July 1997. However, the PlanningNSW Alpine Resorts Plan Issues Paper, released in June, dramatically increases the concerns that increasing tourism, commercial interests and future development are driving this legislation. The issues paper proposed increased car access during winter as the ski

tube train that links the car park to Perisher and Charlotte Pass reaches capacity. The ski tube is reported to now carry 6,300 people a day, and needs an expensive upgrade to carry more than 8,800.

Along with the Colong Foundation for Wilderness and Clover Moore, MLA, I am particularly concerned that the new arrangements under this bill will make it easier for developers to get the RTA on side, rather than deal with the National Parks and Wildlife Service [NPWS]. I am told that development interests in the park have been pushing for road widening and passing lanes for many years. The Walker report focused on through roads, but Kosciuszko Road is used solely to access resorts. Why is Kosciuszko Road included in this bill when the safety concerns of Alpine Way outlined in the Walker report do not apply? These changes will reduce environmental constraints on growing traffic to the resort area.

While the stated aim of this bill is to maximise safety on Kosciuszko National Park roads, the transfer of responsibility for the roads to the Roads and Traffic Authority is not necessary or certain to achieve that outcome in one of the most sensitive national parks in the State. The Walker inquiry and the Coroner's review found that the geotechnical and engineering issues associated with the Thredbo tragedy highlight the pressures that the road and resorts put on Kosciuszko National Park. Walker concluded that the developments show a lack of Government planning at various key times in the development of villages and roads. In paragraph 44 of his report he said:

> It is not unfair to say that the system, such as it is, grew like Topsy.

Walker also cites the Coroner in finding that the Department of Main Roads and its successor, the Roads and Traffic Authority, had been pivotally involved in the Alpine Way, first as agent for the NPWS from 1968 to 1988 and later as the NPWS technical advisor from 1991 to 1996. The Department of Main Roads and the Roads and Traffic Authority failed to advise the NPWS to undertake works to the Alpine Way above Thredbo at any time during these periods. National parks and other NPWS reserve designations—for example, nature reserves—provide the strongest protection to nature conservation and heritage values, since not only does legislation and a binding plan of management dictate management, but alteration of national park boundaries requires an Act of Parliament.

The incremental development pressures of resort owners and managers that has led to the present situation is no reason for Parliament to approve any weakening of protection of the internationally significant Kosciuszko National Park alpine environment. As the National Parks Association once again pointed out in its submission to the Walker inquiry, there are many benefits in leaving park roads under, and adding them to, the management of the parks service division. It has led, and will continue to lead, to improved management of the park as a unit and the ability to regulate vehicle traffic and maintenance activities to maintain the significant environmental values of the park. It provides clear direction about which authority is responsible for the management of roadside vegetation.

On non-park roads passing through national parks, there is often little emphasis by the road authority—council or the RTA—to manage weeds, or there is confusion about who manages different parts of the road verge. Road corridors are often 20 metres wide, with no marked boundary. Some sections of the Snowy Mountains Highway are an example of this. Through work on Alpine Way, the parks service division has also acquired invaluable expertise in minimising the impacts while providing some sense of park experience for the car tourist. This should not be lost. In comparison, under RTA management, future road development would be dictated by the unregulated demand of motorists and little consideration of environmental values.

Under RTA management, there would also be less regard for the protection of wildlife. Speed limits may be increased, resulting in increased road kills of wildlife such as wombat and wallabies, and potentially a higher incident of motorist injuries and deaths. Presently, the speed limit on most of the Alpine Way between Thredbo and Jindabyne is 80 kilometres an hour. This needs to be reduced to limit high animal kills. The Greens therefore call on the Government to ensure that the parks service division retains management responsibility for the maintenance of existing park roads in national parks, seeks ongoing relevant training and expert technical advice on unstable landscapes with respect to managing roads and other areas that may cause public safety concerns and, as a consent authority for the construction of buildings, is provided with adequate resources to manage and minimise the risk, where appropriate, of roads subject to identified high-risk landslip danger.

After all, the Thredbo landslide was not the fault of the NPWS or the Parks Service Division. Coroner Hand found that "a poorly designed and placed pipe below the Alpine Way appeared to be the most significant trigger for the main landslide"; "concerns were raised by the NPWS in the 1970s and 1990s that slippage may occur adjacent to the Thredbo resort that may endanger lives", at paragraph 887; "the DMR-RTA in its role as

agent for the NPWS and later technical advisor failed to advise the NPWS to undertake works on the Alpine Way above Thredbo", at paragraph 883; and "the RTA did not inform the NPWS of the slope risk assessment system it developed from 1994", at paragraph 898.

Coroner Hand also found that the NPWS had inherited roads in the Kosciuszko National Park that were not designed for the purpose to which they were later put. The Alpine Way was built by the Snowy Mountains Hydro Electric Authority [SMHEA] during the construction of the Snowy Mountains scheme in order to connect Cooma with Khancoban, as it was considered essential for the scheme's development in the Khancoban area. The SMHEA recognised that "the terrain was extremely difficult for road building and that the road would only ever be used for light vehicle traffic". According to the SMHEA, the Alpine Way was constructed to a class A standard, which was the SMHEA's highest standard at the time. However, the SMHEA also points out that a class A standard road was never intended to be a main public highway. It was intended to be used as a construction road—a fact which was readily apparent. The SMHEA roads were also designed with the intention that they last 20 years.

As a result, the standard of road construction in the park is notably below those generally accepted for roads carrying similar traffic volumes. The deficiencies range from substandard foundations, poor construction and poor alignment to ineffective drainage and excessively steep and winding sections. It is little wonder then that the Coroner found that, in terms of engineering and route, the Alpine Way is a road which is most unlikely to have been built at all, if the decision whether to do so had been made by the NPWS as the NPWS would have considered the question in light of its statutory responsibility, which is the care, control and management of Kosciuszko National Park.

After all, the generally accepted definitions of a national park—for example, the International Union for the Conservation of Nature and the Council of Nature Conservation Ministers—stress the need for minimum interference with natural conditions. Nevertheless, when the NPWS took over the responsibility for both the Alpine Way and Kosciuszko Road it was insightful and pragmatic enough to want maintenance priorities directed to the Alpine Way. As the Coroner's report clearly states, what let the NPWS down then was its limited funds and the level of information and quality of advice that it received from the DMR-RTA. Transferring the Alpine Way and Kosciuszko Road to the RTA will not change or rectify that. It will also not change or rectify the fact that the DMR-RTA has already played a pivotal role in the Alpine Way and that did not prevent the Thredbo landslide.

The Coroner's report also clearly states that the DMR-RTA were agents for the NPWS from 1968 until 1988 and then the technical adviser for the NPWS from 1991 until at least 1996 and they did not advise the NPWS to undertake works to the Alpine Way above Thredbo at any time during this period. However, there is no doubt that infrastructure within the national park estate needs to be managed in keeping with the conservation obligations of the parks service division. That means, at the very least, an ongoing and decisive role for the Parks Service Division in the management of the roads within Kosciuszko National Park. As Mr Walker said on page 14 of his report:

> The environmental impact of roads of all kinds in the varied terrain comprising national parks' land … of course, is created regardless of the legal status of the land on which the roads are built.

Mr Walker also said:

> No doubt a continuing role, if not responsibility, of NPWS will be consultation and monitoring directed to minimizing the detrimental impact of roads.

The independent scientific committee, which was engaged to give the Government expert advice on the future of the national park, also stated in its interim report:

> There will be increased pressure on the park's values if there is expansion of development within the park for increased access and tourism infrastructure, both for summer and winter facilities.
>
> Most demands will be motivated by commercial reasons, and there may also be commercial pressure to expand snowfield resort areas ... management of all developments need to give priority to conservation of the core values of the park, on which sustainable tourism and high quality visitor experience is based.

Such strong commercial and development pressures are reason enough for planning in the national park to be conservative and to ensure that greater commercial use does not undermine the park's natural environment. Kosciuszko National Park is famous for its ski resorts, but it is also one of the unique environments in Australia.

So, regardless of whether or not the Alpine Way and Kosciuszko Road are transferred to the RTA, the environment of the Kosciuszko National Park will continue to be adversely affected by them and the Parks Service Division needs to have a role in monitoring and minimising those impacts.

Therefore, in Committee I will move amendments that provide that the plan of management for the park continues to apply over the excised land and that Kosciuszko Road not be included in the bill. I urge all members to support those amendments. I understand that the Greens will not receive support for those amendments but I still feel obligated to place them on the record. The derisory comments about Milo Dunphy back in 1994 do not deter me from believing that our position is both reasonable and balanced. We take into account very carefully a considered and measured investigation and observation of safety within the park, but that does not mean that we agree with the direction that has been taken with the development of that valuable resource—a resource that should be maintained with the highest degree of integrity for future generations.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.11 p.m.], in reply: I thank honourable members for their contributions and commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Mr IAN COHEN [6.13 p.m.]: I move Greens amendment No. 1:

No. 1 Page 3, schedule 1 [1], proposed section 184A. Insert after line 27:

(4) Despite any other provision of this section, the plan of management for Kosciuszko National Park applies to the excised land.

This amendment will ensure that any works on roads within the park will meet the objective of the Kosciuszko National Park plan of management. Under the memorandum of understanding the Roads and Traffic Authority is obliged to prepare an environmental plan of management in consultation with the Department of Environment and Conservation. However, the bill fails to set that environmental management plan in context. This amendment makes it clear that there be an environmental plan of management in the memorandum of understanding, and any works in the park should uphold the objectives of the Kosciuszko National Park plan of management. I commend Greens amendment No. 1 to the Committee.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.14 p.m.]: The Government cannot support this amendment. While the Government agrees that land being excised from Kosciuszko National Party should continue to be managed in a way as to be broadly consistent with the objectives of the plan of management for the national park, this outcome can be achieved using other more appropriate means. I assure the Committee that the Government recognises the importance of ensuring the consistency of environmental management in both road reserves and the adjoining national park. This is a key objective of the future management arrangements for road reserves as expressed in the memorandum of understanding. I understand that a copy of this memorandum of understanding was provided to Mr Ian Cohen by the Minister for the Environment.

During his inquiry, Mr Bret Walker, SC, explicitly identified a continuing role for the Department of Environment and Conservation in the management of the road reserves. He suggested that its role take the form of consultation and monitoring. Through the memorandum of understanding, the Roads and Traffic Authority [RTA] will be required to prepare, in consultation with the Department of Environment and Conservation [DEC], a comprehensive environmental management plan. All roadworks in the road reserves will need to be undertaken in accordance with this plan, and reports of the RTA's environmental management will be made publicly available on the RTA's web site. To apply the entire plan of management to the road reserves, as the amendment of Mr Ian Cohen seeks to do, would effectively reverse the intent of the bill and undermine the very outcome Mr Walker's recommendations seek to achieve. For this reason alone, the amendment is not supported.

I can allay the concerns expressed about road widening, speed and traffic management. I am advised that the road geometry of the Alpine Way and Kosciuszko Road is such that it would not be feasible to

significantly widen the roads within the proposed excised corridor. This bill does not seek to allow the roads to be widened in any way. I am further advised that a traffic management committee—consisting of representatives of the RTA, DEC, NSW Police and relevant local councillors—already addresses traffic management issues on these roads, including applicable speed limits and the like. This committee makes recommendations to the RTA, which is, of course, the statutory authority responsible for setting speed limits across the State. I assure the House that that committee will continue to operate as it does now after the transfer of the roads occurs.

The Hon. JON JENKINS [6.16 p.m.]: We oppose this amendment. If we thought we could trust the National Parks and Wildlife Service to act sensibly and without the undue influence of the extreme green movement, we might support part of this amendment. However, vast experience with any road access in national parks tells us that the National Parks and Wildlife Service will do everything it can to obfuscate and make access and life difficult for sensible, reasonable, pragmatic procedures to occur. Therefore we oppose this amendment.

Amendment negatived.

Mr IAN COHEN [6.17 p.m.]: I move Greens amendment No. 2:

No. 2 Page 5, schedule 1 [2], proposed schedule 16. Omit lines 12-15. Insert instead:

(Section 184A)

This amendment removes the excise of Kosciuszko Road from the bill. In his report, Mr Walker, SC, does not provide any justification to remove Kosciuszko Road. Mr Walker, outlines the safety issues in relation to through roads in national parks, such as the Alpine Way, but Kosciuszko Road is not a through road. Kosciuszko Road does not suffer the land slip danger of the Alpine Way, which was constructed as a temporary service road during the Snowy Mountains hydro project on steeply sloping land. Kosciuszko Road does not traverse steeply sloping land. Further, it was not constructed as a temporary road but as a permanent road. Until justification for the Kosciuszko Road excision from the national park is presented, I ask honourable members to support this amendment in order to keep the road within the parks estate. I commend Greens amendment No. 2 to the Committee.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.18 p.m.]: The Government is not able to support this amendment. The clear rationale underlying the recommendations of Bret Walker, SC, is that the functions and responsibilities for road safety and conservation within Kosciuszko National Park should be separated. Mr Walker wanted the right agencies and the right people to have the right roles and responsibilities with respect to the ongoing management of key roads within the park. In his report Mr Walker specifically identified the Alpine Way and Kosciuszko Road as priorities for transfer to the Roads and Traffic Authority [RTA]. While Kosciuszko Road does not run through the park in the sense that it has two separate entrances and exits into and out of the park, it provides access to important ski resort areas and it is the only vehicular route to Australia's highest mountain. Like the Alpine Way, Kosciuszko Road is a major road and has all-year tourism significance. For these reasons, Mr Walker recommended that it be transferred to the RTA. I assure the Committee that this bill as it stands, and as complemented by other arrangements between the RTA and the Department of Environment and Conservation, provides significant protection for the conservation values of this important national park.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [6.20 p.m.]: As with the last amendment, the Opposition cannot support this amendment. Unusually, we are persuaded by the concise arguments of the Government.

Amendment negatived.

Schedule agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

ANIMAL DISEASES LEGISLATION AMENDMENT (CIVIL LIABILITY) BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.24 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The matters addressed in this Bill have arisen primarily from concerns raised by stock and station agents about their exposure to civil liability arising from disclosing information required under the *Stock Diseases Act 1923*. At present the only legislated protection from civil liability under the Act is in respect of notification of diseases.

The amendments brought forward in this Bill will further protect a person where they are required to disclose information either under the *Stock Diseases Act 1923* or the *Exotic Diseases of Animals Act 1991*.

The proposed amendments to these Acts are identical in effect. They provide that if a person is required under either Act to provide any information, the provision of that information by the person does not subject them to any personal action, liability, claim or demand. For example, when answering a question from an inspector put to the person or giving a notice or producing a record or other document required under either Act.

The unfettered supply of information such as that required under the *Stock Diseases Act 1923* and the *Exotic Diseases of Animals Act 1991* to the bodies responsible for disease surveillance like the Rural Lands Protection Boards and NSW Agriculture is essential to safeguard the integrity of our livestock slaughtering and livestock production industry the gross value of which in 2000-2001 was $8,837.1 million for New South Wales and $33,564.1 million for Australia.

Individuals who are required to provide information in these circumstances must be protected from civil liability for the disclosure of that information. Such provisions exist in other legislation administered by NSW Agriculture such as the *Stock (Chemical Residues) Act 1975*.

The operation of the Bill is such that it applies to any information required under either the *Stock Diseases Act 1923* or the *Exotic Diseases of Animals Act 1991* that was provided before the commencement of the Bill, other than information in respect of which proceedings have commenced.

I commend the Bill to the House.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [6.25 p.m.]: The Opposition does not oppose the bill, which deals with what is obviously a vital issue—the control and detection of animal diseases, albeit through the liability or potential liability of stock and station agents. We have all seen the tragic consequences of diseases such as bovine spongiform encephalopathy [BSE] and the foot and mouth disease outbreaks in the United Kingdom and in North America, in Canada and the United States of America. Whilst Australia is relatively free from serious pests and diseases, our valuable and unique agricultural industries are increasingly vulnerable to new diseases and other bio-security threats. A fundamental part of any disease control strategy is the ability to detect where an infection or incidence occurred and how far the disease may have spread.

In order to protect our multimillion-dollar livestock slaughtering and product industry New South Wales must be able to track animal diseases as swiftly and as efficiently as possible. For this to be possible unfettered information flow between the key players is absolutely essential. The bill has come about because of the proper concerns of stock and station agents about exposure to liability arising from disclosure of information in accordance with the Stock Diseases Act 1923 and the Exotic Diseases of Animals Act 1991. Under these Acts agents must, when requested to do so, disclose to a rural lands protection board or a NSW Agriculture inspector what could sometimes be considered confidential information, either by answering questions or giving a notice or other document or record. The success of stock disease monitoring, surveillance and investigations really depends on the ability of the inspectors to gather information. Stock and station agents often are reluctant to reveal data, reports or assessments because they feel vulnerable to liability or personal action from affected stock owners or other parties. Burying information because of fears of liability could have disastrous consequences for our industries.

The ability to trace a disease to the source as swiftly as possible could save this nation millions—perhaps billions—of dollars. Since BSE was detected in a dairy cow in the State of Washington on Christmas Eve last year some 30 countries halted about $US1.3 billion in annual US beef shipments. One single case of

BSE cost the Canadian beef industry $25 million a day at the scenario's height. And that was despite the fact that both countries were able to track these diseases very quickly. They had a form of national livestock identification that Australia does not yet have in place. But we hope that it will be put in place quickly. Last week the United Nations Food and Agriculture Organization found that bird flu and cow disease alone have seriously damaged international meat sales, with export bans cutting export sales of chicken and beef by a third. There are currently export bans on the 10 Asian countries that have reported bird flu outbreaks. They account for half the world's poultry exports. And a milder strain of the bird flu has since been reported in the United States and Canada, posing a great threat to these markets.

In the present environment of emerging animal disease and outbreaks we need to be as vigilant as possible and to implement measures that will ensure the unfettered flow of information on animal disease control. Therefore these amendments are very important and long overdue. They seek to ensure that any individual required to provide information under the Acts can quite properly feel safe and free to do so. At present the only legislated protection from civil liability under the Act is in respect of notification of diseases.

The bill also extends protection to any individual who was required to provide information under these Acts before the commencement of this amendment. Because we had not been briefed, my lower House colleague Mr Thomas George indicated that the Opposition reserved the right to move amendments in the upper House. That situation has now been rectified. We always support legislation that is in the community's interests, but we have not been briefed on two other bills and despite a commitment that that situation would change, which I took on board in the spirit in which it was given, those briefings have not been forthcoming. I hope the Government will honour its commitment. The Opposition congratulates the Government and will support the legislation. As I said, we will not move any amendments to it.

Mr IAN COHEN [6.32 p.m.]: The Greens support the Animal Diseases Legislation Amendment (Civil Liability) Bill. We acknowledge the importance of being able to track animal diseases effectively. I listened with interest to the information provided by the Hon. Duncan Gay as the Opposition spokesperson on this legislation. Effective tracking is a basic requirement in ensuring proper information flow. It is important, particularly when there is risk of disease in farming communities, to ensure that information flows appropriately. For too long we have faced potential disasters because people have protected their short-term interests.

It is important that agents be obliged to disclose information to Rural Lands Protection Board representatives and to NSW Agriculture inspectors. The Greens have grave concerns about the use of the commercial-in-confidence argument to avoid disclosure. The need to protect the overall health of the industry, Australian productivity, and jobs in the farming sector means we must have transparency. The liability of agents should not be factor when communicating information and tracing diseases to their source so that effective action can be taken.

The widespread bovine spongiform encephalopathy outbreak has highlighted the need for rapid tracking methods. This legislation goes part of the way to enabling the monitoring, assessment and protection of the industry. This country is well served by its island status, which has provided a great deal of protection. However, animal disease outbreaks are occurring with increasing frequency, often because of the animal husbandry methods employed. The situation will get only worse with factory farming and contamination by genetically engineered crops.

We do not know what will happen, but it is of great concern to the Greens that experiments and trials are undertaken in secrecy and that there is no proper information or accountability. The Greens have been consistent in saying that we need transparency and proper policing. The opening up of international markets is also a concern because there will be a move away from supplying the domestic market to exports and imports. Imports will come from many parts of the world that have diseases that could undermine this State's clean, green export potential.

I have yet to understand how our domestic producers and the farming community will benefit from the new global trade arrangements, which are economically geared for the large manufacturers and players in the field. We are about to debate legislation that could create a situation which is fraught with liability and result in the importation of disease. If those diseases occur here as a result of the Government's silliness in supporting imports rather than home-grown produce, we should have legislation to allow their proper identification and tracking. The farming sector will suffer in the near future from imports from areas that are not disease-free.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [6.35 p.m.], in reply: I thank all honourable members for their contributions and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*The Deputy-President (The Hon. Tony Burke) left the chair at 6.36 p.m. The House resumed at 8.30 p.m.*]

THE SYNOD OF EASTERN AUSTRALIA PROPERTY AMENDMENT BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [8.30 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of this Bill is to amend The Synod of Eastern Australia Property Act 1918 to provide for the office bearers of The Synod of Eastern Australia Property Trust to be indemnified out of trust property against expenses and liabilities that they incur in connection with exercising or performing their powers, authorities, duties or functions.

The Synod of Eastern Australia is the governing body of the Presbyterian Church of Eastern Australia.

The church was formed in 1846 when three ministers and three elders withdrew from what is now the Presbyterian Church in New South Wales.

The church comprises twleve "charges" or parishes in New South Wales, Queensland, Victoria and Tasmania. Approximately 850 people regularly attend church services throughout Australia. There are seven charges in New South Wales—in Sydney, Grafton, Wauchope, Taree, Maclean, Raymond Terrace and Mt Druitt. Approximately 500 people regularly attend church services in New South Wales.

An Act was passed in 1918 that established a property trust for the church. However, the Act did not make provision to reimburse the trustees for monies expended on behalf of the trust, or to indemnify the trustees for activities carried out on behalf of the trust.

On 8 May 2003, the Synod of the church agreed to request the Government to amend the Act to address the issues of the liability and remuneration of the trustees.

Notice of the proposed motion to request amendments to the Act was given to the two Synod representatives in each charge, approximately three weeks prior to the Synod being convened. Twenty-three Synod representatives passed the motion, with no representatives opposing the motion. All fourteen representatives from the seven New South Wales charges supported the motion.

The Bill will insert section 2A into the Act to enable trustees to be indemnified out of trust property. The provision is similar to the indemnification provision useed in other church property trust legislation. An example of such a provision is section 23 of the Methodist Church of Samoa in Australia Property Trust Act 1998.

The Bill continues the longstanding Government policy to assist churches to organise their financial and property affairs by sponsoring legislation in relation to corporate property trusts.

I commend the Bill to the House.

The Hon. GREG PEARCE [8.31 p.m.]: It is my privilege to lead for the Opposition on this bill, and at the outset I indicate that the Opposition is pleased to support it. The object of the bill is to amend an Act entitled The Synod of Eastern Australia Property Act 1918 to provide essentially for indemnities for a number of officers of the church who act in relation to the properties and assets of the church. The concept of providing indemnities to trustees is, of course, very familiar to many of us and something that is really quite essential to ensure that organisations, particularly religious organisations, such as the synod, can operate in the expectation that their officers will be able to undertake their roles and not be concerned about the possibility of legal action if there are some legal problems in relation to assets.

The bill provides for the moderator, the clerk, and the treasurer of the Synod of Eastern Australia, when exercising certain functions, provided they exercise those functions in good faith and in accordance with the principal Act, to be entitled to be indemnified out of property vested in the trustees against the expenses and the

liabilities that those persons may incur in connection with those functions. The Synod of Eastern Australia is the governing body of the Presbyterian Church of Eastern Australia. Some of us are not quite familiar with the present structure of the Presbyterian Church but I think it is quite remarkable and worth noting that the church was formed in 1846 when three ministers and three elders withdrew from what is now the Presbyterian Church in New South Wales and formed this synod.

I understand that the church currently comprises 12 charges or parishes in New South Wales, Queensland, Victoria and Tasmania. I am told that approximately 850 people regularly attend church services throughout Australia. There are seven charges in New South Wales: in Sydney, Grafton, Wauchope, Taree, Maclean, Raymond Terrace and Mount Druitt. Approximately 500 people regularly attend church services in New South Wales.

The principal Act was passed in 1918 and it established a property trust for the church—a structure which is well known to many of us and appropriate in the context of a religious organisation—to own the assets of the church and to ensure that the assets can be held and passed on for the benefit of the participants in the church. However, I understand that in relation to the Synod of Eastern Australia, the 1918 Act was probably deficient in that it did not make any provision to reimburse the trustees for monies expended on behalf of the trust; and, more importantly—because one would hope that there were no great expenses of the trust other than the acquisition of property—the Act did not make provision to indemnify the trustees for activities carried out on behalf of the trust.

Of course, trusts are very common in the common law and they are used for investment purposes and for holding property in various circumstances. It is quite normal for a provision to be inserted in the instrument that establishes the trust to indemnify the activities of the trustees. That indemnification is limited; they cannot just run off and do what they like and expect to be able to dip into the trust to pay for any liabilities they incur. The right of indemnity relates only to trustees acting in good faith and in accordance with the objects of the provisions of the principal trust.

I note that the Legislative Review Committee has also considered this bill and, in its report, traversed the history of the Synod of Eastern Australia and indicated that at a meeting on 8 May 2003 the Synod agreed to request the Government to amend the Act to address these issues of liability and remuneration of the trustees. The 23 Synod representatives, including the 14 New South Wales representatives, passed the motion unanimously. Section 2A of the bill will insert into the Act a provision to provide that the moderator, the clerk, and the treasurer of the Synod are entitled to be indemnified out of property vested in the trustees against all expenses and liabilities that they incur in good faith in connection with the exercise of their functions in relation to that property.

The Opposition is pleased to support the bill, given that the provisions are similar to the provisions used in other church property trust legislation. In the Minister's second reading speech in the other place and in the report of the Legislation Review Committee, reference was made to the Methodist Church of Samoa in Australia Property Trust Act 1998, which has a similar provision. The amendment is consistent with Government policy. The Opposition also adopts the policy that the financial and property affairs of churches should be structured so that office-bearers can be reimbursed for moneys expended on behalf of the trust or to indemnify trustees for activities carried out on behalf of the trust. I am sure that the draughtsmanship of the original legislation was suitable for 1918, but in these modern times trustees need a specific entitlement to be indemnified for expenses and liabilities. This is a sensible measure that is in accordance with the wishes of members of the synod. In those circumstances, the Opposition is happy to support the bill.

Reverend the Hon. Dr GORDON MOYES [8.41 p.m.]: I appreciate that both the Government and the Opposition are in agreement with The Synod of Eastern Australia Property Amendment Bill to amend The Synod of Eastern Australia Property Act 1918 to provide for the office-bearers of The Synod of Eastern Australia Property Trust to be indemnified out of trust property against expenses and liabilities that they incur in connection with exercising or performing their powers, authorities, duties or functions.

I speak on this bill because the Presbyterian Church of Eastern Australia is not a church that has promoted itself very widely in the community and it is not very well known. The Presbyterian Church of Eastern Australia is a very small denomination but it has a spectacular history. It has been true to its traditions, culture, Scottish heritage and biblical principles. I would like to note a couple of points. I was pleased that the Minister in the other place, Mr Bob Debus, made the point that the bill continues longstanding Government policy to assist churches to organise their financial and property affairs by sponsoring legislation in relation to corporate

property trusts. He went on to say—and I note his words with a great deal of care—that in relation to church property trusts "if there is a consensus within the particular congregation about the nature of the bill or statute to be passed, and that is so in this case", the Government will support that.

I say that because a large number of people who were formerly members of the Presbyterian Church of Australia and also of the Presbyterian Church of Eastern Australia would regard that as very good news indeed. There is a strong move within some congregations of the now Uniting Church in Australia, of which the Presbyterian Church of Australia was a part, to seek their own titles for their properties. If the Minister was correct in saying "if there is a consensus within the particular congregation" then the Government would support an alteration to the legislation, that has profound implications and I am not sure whether the Minister understood what he was saying.

I have been very interested in churches in Scotland as all four of my grandparents came from Scotland and were associated with the Presbyterian Church in Scotland. On my visits to that country I have made a study of Scottish history. The Presbyterian Church in Eastern Australia came out of one of the most remarkable events in church history in Scotland in 1843. It was a moment of very significant social history in Great Britain throughout the nineteenth century. It is called the disruption. Without going into the details of the disruption, it was a movement within the churches of Scotland concerning dissatisfaction following a ruling by the House of Lords that the State had the right to direct churches to ordain certain people as ministers.

This meant that the authority of the church was being subservient to the authority of the state. That became a very clear point of demarcation for many Scots. They felt that no other authority could declare who should be ordained or what the authority would be, other than Christ himself and his body, the church. As a result, in a cataclysmic gathering of Scottish clergy at the synod of Scotland, 200 ministers walked out and joined another 200 ministers in what is called the disruption. The disruption was a traumatic event because it literally meant that 400 ministers were, from that day, without their own homes, without anywhere to live, without any income. They literally took their children and spouses with them, loaded their possessions on their backs and moved out into the countryside. Rather than continue under the authority of the state, they opted to be free agents, to be supported solely by God.

That disruption was a huge sacrifice and led, in turn, to all those people, plus the thousands of elders and Scottish members who joined with them, becoming what is known as the Free Church of Scotland. They were free from government control, oversight or authority. That was very important for the Scots of those days. Two things were apparent. These people were known as the "wee frees"—"wee" meaning small because they were relatively small in numbers and power, but they were free and that was the most important thing.

Here in Australia there were quite a few colonial repercussions of that time. The events of 1843 meant that many Presbyterian Churches in Australia decided to do the same thing. They joined with the Free Presbyterians of Scotland and so the name as we know it, the Presbyterian Church of Eastern Australia, came into being as their synod. They are very committed to being free from all government interference of any kind. They were led in Scotland by one of the most remarkable Scottish preachers. I only wish I had time to tell you about Thomas Chalmers, a man I have admired greatly for many years. He was a university professor and a minister of religion. He graduated from university at about the age of 15 years—a brilliant young man. He became a professor in mathematics, philosophy and astrophysics. He had a breadth of knowledge as well as being a professor of divinity. Huge crowds attended his lectures at university, something that most philosophers have never been able to emulate.

I remember driving around the heart of Edinburgh. In the midst of the crossroads of two of the busiest streets in Edinburgh, cars have to go around a huge obelisk. I was interested in inscriptions on obelisks, so I risked the traffic, parked my car, ran across and stood in the centre of the road to read the inscription, only to discover that it related to this same Thomas Chalmers. More people attended his funeral than any other in the history of Scotland. He cared for the poor, he consecrated more than 200 churches and was a great leader of his people. Chalmers is remembered in Sydney. Not more than a few hundred metres away, near Central station, is the Chalmers Memorial Presbyterian Church, which is in memory of one of these great free Presbyterians.

I do not want to take the time of the House but I simply say that free Presbyterians are people of absolute orthodoxy in their beliefs, their faiths, their stress upon and obedience to the scriptures, their commitment to the great commission and overseas missionary work, and to the great doctrines of reformed faith and grace, and their understanding of Christ's death and what that meant for us. Many of us have seen Mel Gibson's film *The Passion of the Christ* and wonder about the violence and all the blood. Any member of the free Presbyterian church or the Presbyterian Church of Eastern Australia could explain that most simply.

The free Presbyterians are also practical Christians who care for the poor and the needy. They do not promote themselves. We do not see the Presbyterian Church of Eastern Australia putting up large signs or notices. They do not produce a great deal in terms of billboards or anything else. They are committed to Christ. They have an absolute fundamental understanding of the separation of church and state. Obviously from their history, they are committed to caring for the poor and the needy in the community. Their public worship is very much biblical in that they praise God. There is free prayer, ex tempore prayer, and preaching on the scriptures.

One thing that is probably different is that one will not find a pipe organ, a bunch of drums, guitars and things that are so beloved of others in worship these days. One will find nothing else except unaccompanied singing of the psalms, which they believe are extremely important. The Minister for Justice, who understands a great deal about the orthodox church and its high appreciation of liturgy and worship, would find a soul companion in the free Presbyterians for their heightened sense of worship and praise of God. I simply commend these people. I commend to the House this bill which will make property transactions much more efficient and effective, and provide support for various expenditures out of the property trust.

Ms SYLVIA HALE [8.51 p.m.]: This bill appears to be a rather technical provision applying to one of the smaller churches in New South Wales. It allows changes to the structure of the trust which holds the church's property to correct anomalies in the original legislation, which is the best part of a century old. While this legislation appears uncontroversial, the legal status and management of church property is of much wider significance. An example of this is the development proposal at St John's Church in Darlinghurst, which I have previously spoken about at length in this House.

In summary, the St John's case presents a situation in which a church was granted public land for religious and educational purposes. With the decline in church attendance and increasing pressure on land, not to mention exploding property values, the church has now decided to cash in on this grant. It is proposing to redevelop and sell off the land—I emphasise that it is essentially public land, effectively lent to the church for a particular purpose. The church is proposing to sell off the land for residential development. The development itself is inappropriate, but at the heart of the issue is the fact that the land is not morally the church's land from which to profit. It was a grant from the public for a specific purpose.

If the land is no longer needed for that purpose, it should be returned to the public. There are many similar cases, notably St Patrick's Church in Manly. With governments continuing to push for the privatisation and commercialisation of public land, and with councils so strapped for cash that they are increasingly selling off public land and assets, in many communities church and council property fulfil an important social and recreational role. I hope that the churches will recognise this and will turn away from the greed and the concerns of Mammon to manage their property in the interests of the wider community. Nevertheless, the Greens support this bill.

The Hon. JOHN RYAN [8.54 p.m.]: In no way do I wish to be unfriendly to the honourable member but I think we have just heard a remarkable speech. Frankly, it is remarkable because I am in part disgusted by it. The simple truth is that the church to which the honourable member referred has nothing to do with this bill. Nevertheless, that church has served its community and the poor and the needy well. The church wishes to continue doing that, and in order to do that it seeks to redevelop property. I will not cast an opinion about what is an appropriate development for the site because I have not seen it and I do not know the issues. However, I have seen some of the issues canvassed in the media with church representatives explaining to their community what they wish to do. I have the impression that they have the highest community values and standards. Indeed, the last word to use to describe them is greedy, as the member just described them. That is the last word that comes to my mind.

Many members of the church live an almost subsistence lifestyle. Basically, they get sufficient funds for themselves simply to get by and to feed and clothe themselves. They do not have lavish recreational expectations; nor do they live lavish lives. They have given their lives to the service of their Lord, and part of that is serving the public in a way that most of us would regard as self-sacrificing and beneficial to the community. I find unbelievably offensive the very concept that that would be described as greedy. Another piece of nonsense to which the member referred was that the church land that had previously been given to the church as a government grant should be returned to the public. That is simply abject nonsense.

Once the land belongs to the church, obviously it is managed by the members of the church to best pursue the aims of the church. As I have had it explained to me, the church has lofty, good aims in terms of what it intends to do with the resources it realises as a result of that redevelopment. I make no judgment as to whether

the development is of a scope or type that is appropriate for the site. That is best decided—no doubt it will be decided—by the local council and other planning laws. However, I am sure almost all members of this House would distance themselves as much as possible from the suggestion that members of the church are being greedy simply because they want to redevelop what I think is a fairly ordinary site with ordinary buildings in order to have better facilities to work from and to serve the community.

The bill raises the history of the Presbyterian Church in New South Wales. Few members may know that one of the people who established the Presbyterian Church in New South Wales was a distinguished Australian, John Dunmore Lang. In fact, he was a member of this Parliament, representing the electorate of West Sydney in about 1860—at a time when I expect west Sydney would have been a little closer to the centre of the city than we are now. He was certainly a distinguished contributor to the community of New South Wales. I suspect that his activities may not have necessarily met with the support of those who broke away and formed the church of eastern Australia, which broke from the Presbyterian Church.

Once the Presbyterian Church had been established in New South Wales it was prone to the odd schism. As was pointed out by Reverend the Hon. Dr Gordon Moyes, they were heady times in which people felt sufficiently passionate about discussions of the church's beliefs that they would set themselves apart and form other churches. These fights or disputes were debated and pursued passionately. Nevertheless, that small part of New South Wales history is still evident: As I walk past it from time to time, I remember when I was studying Australian history at the University of Sydney. That was during the formative years at Sydney university when people like James Waldesy and Ken Cable, who was a member of St James's church across the street, took a great deal of interest in charting and documenting the early history of the church in Sydney.

Although I have forgotten much of the detail, one of the jobs I was set to do for an assignment was to put together some of the history of the Presbyterian Church. I remember constructing a really detailed diagram of how various schisms of the Presbyterian Church had broken off, formed together and returned to the fold. This one small denomination, which is unique to Australia—it was one of the first churches established in Australia as a unique and distinct nomination in this colony or State—remains today and has a limited number of congregations. As Reverend the Hon. Dr Gordon Moyes said, it has some distinctive features about its practice and worship. The most important distinction is that it has an ardent commitment to the principles of evangelical Christianity. They believe the Bible to be the word of God and as much as possible they try to conform their lives and their church practice to what they believe the Bible teaches.

Among those things they believe in the establishment of a form of church government—rather than bishops and an arrangement similar to the Church of England—that calls their church leaders elders or presbyters, borrowing that terminology from the New Testament. Thus, we get the name the Presbyterian Church. It is also a church that is distinctively Scottish in its original heritage. Nevertheless, once established in New South Wales it became part of the New South Wales community. As I said, the small Eastern Presbyterian Church of New South Wales remains with us today and needs to update its legislation. It seems not unreasonable from time to time we pay tribute to an organisation that has stood the test of time in the community and remains a vibrant part of Christian practice and worship.

Reverend the Hon. FRED NILE [9.02 p.m.]: I do not want to take the time of the House by making an extensive speech on The Synod of Eastern Australia Property Amendment Bill but I simply put on the record my support for it. Reverend the Hon. Dr Gordon Moyes has explained in a very informative way the background of the church and I do not need to repeat his remarks, but I would not like members of the church to criticise me for not contributing to the debate. I want to make the point that they were very suspicious of the mainstream Presbyterian Church, feeling that it was not as orthodox as it should be, but I note in some new material I have that since the Uniting Church in Australia was formed, one-third of the Presbyterian Church stayed out of the Uniting Church, which is similar to the Synod of the Eastern Australia Presbyterian Church, and they are working far more closely together now than they ever have.

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [9.03 p.m.], in reply: I thank honourable members for their contributions to this debate. This legislation has not been debated in this House since 1918. The way the legislation was drafted in 1918 is different to the style we now use, but a large part of the history and background of the church that has been recited in the contribution of Reverend the Hon. Dr Gordon Moyes is set out in the recital. It was interesting to have that placed together. I thank honourable members for their contributions and support. It is unfortunate that the Hon. Sylvia Hale has sought to contaminate the debate in some way with rubbish about something totally irrelevant. It had nothing to do with what we are discussing, and certainly, she sought to cast a slur over the

reputation of individuals who no doubt contribute to the welfare of their denomination. With that qualification, I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WOOL, HIDE AND SKIN DEALERS BILL

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [9.06 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

I am pleased to introduce the *Wool, Hide and Skin Dealers Bill 2004*.

The Bill

- makes licensing criteria more stringent by replacing the "fit and proper person" test with specific criteria,
- modernising the penalty regime, and removing penalties of imprisonment for offences other than being an unlicensed dealer.
- It transfers the administration of the wool, hide and skin dealers licensing scheme from the courts to NSW Police,
- removes the licence fee of $10 per annum to make licences free of charge, changes licence renewal requirements from yearly to once every three years,
- strengthens record-keeping requirements to assist police in investigating reports of stolen wool, hide or skins, and
- ends the requirement to keep certain archaic and duplicate records.

The Wool, Hide and Skin Dealers Act 1935 was introduced to assist police in responding to stock theft.

The Act established a licensing regime for businesses dealing in unprocessed wool, hide and skins, and it provides police with the power to enter and search premises used for storing wool, hides and skins.

The Pastoral and Agricultural Crime Working Party—with representatives from the New South Wales Farmers Association, the Rural Lands Protection Boards, NSW Agriculture and NSW Police—was established in 2000 to investigate what could be done to address crime in the bush.

The working party's October 2000 report made recommendations concerning stock identification, police powers, training, specialist rural crime investigators, as well as the regulation of wool, hide and skin dealers.

The working party recommended that the Wool, Hide and Skin Dealers Act 1935 be remodelled along the lines of the *Pawnbrokers and Second-hand Dealers Act 1996*, and that licensing criteria and record-keeping requirements be strengthened as an improved crime-fighting tool for police.

This Bill represents the latest of the working party's recommendations that have been implemented to address crime facing pastoral and agricultural industries in New South Wales. Under the bill eligibility to hold a licence will be subject to more rigorous criteria.

The fit and proper person test will be replaced with specific criteria, including not having been convicted for a dishonesty offence in the previous 10 years, being over 18, not being mentally incapacitated and not being an undischarged bankrupt.

The Commissioner of Police will hold the discretion to allow a person to hold a licence if there are minor or trivial breaches of eligibility criteria.

An important crime prevention component of the bill is the requirement of licensees to obtain evidence of the identity of any supplier of wool, hide and skins.

In the case of a natural person this must be in the form of photographic identification such as a driver's licence.

In the case of a corporation the company's Australian business number is required. The identity of the person who delivers any wool, hide and skins on behalf of another person must also be provided.

These are key provisions of the bill aimed at limiting the ability of those who have stolen wool, hide or skins from off-loading those stolen goods.

Other crime prevention measures in the bill include obligations placed upon licensees to refuse and report suspicious wool, hide or skins to police, and the requirement of licensees to keep detailed records of those who supply or deliver them with wool, hides or skins.

I note that during the final phase of industry consultation it became apparent that industry was concerned with the requirement for two forms of identification, as set out in the consultation draft bill, to be produced by suppliers, at least one of which needed to be a photo identification, such as a driver's licence.

The bill requires one form of photo identification to be produced by suppliers.

Two forms of identification will still be required when applying for a licence.

I am advised by NSW Police that the crime prevention objectives of the bill will still be met with the one form of photo identification to be produced by suppliers, whilst at the same time this will make compliance with the new legislation more practical for industry.

I am pleased at this outcome as a result of consultation with industry. I take this opportunity to again recognise the work of the Pastoral and Agricultural Working Party. Initiatives that have been implemented as a result of the working party's recommendations also include:

The appointment and training of thirty-three (33) specialist Rural Crime Investigators in twenty-six (26) Local Area Commands; and the introduction of a new offence of hunting without a firearm on any land without permission of the occupier. This offence carries a maximum penalty of $1,100 or 12 months gaol, or both. Police may now issue a penalty notice of $550 for this offence—the ability to issue a penalty notice also being a recommendation of the Working Party.

The Government is committed to fighting crime in country and regional areas. This bill reflects the recommendations of the Pastoral and Agricultural Crime Working Party's 2000 report and the recommendations of the 2002 National Competition Policy Review. The objectives of the bill are consistent with the Government's commitment and strategies to fight rural crime.

The bill relates to bovine and ovine animals—essentially cattle and sheep—and there is provision in the regulations to add other animals should it become apparent that there is significant illegal trade in the skins of any other animal sufficient to warrant its inclusion in the licensing scheme.

I again thank industry representatives for their input into this bill. The Government has endeavoured to balance the need for a minimum of regulation with the need for effective crime-fighting measures, including the requirement of suppliers to show proof of their identity and record keeping required of dealers. I believe we have achieved such a balance through the consultation process.

The Wool, Hide and Skin Dealers Bill will provide NSW Police with the tools they need to investigate illegal trade in wool, hide and skins. I commend the bill to the House.

The Hon. MELINDA PAVEY [9.06 p.m.]: The Wool, Hide and Skin Dealers Bill follows recommendations from the October 2000 report from the police Minister's pastoral and agricultural crime working party. The working party had representations from the New South Wales Farmers Association, the rural lands protection boards, NSW Agriculture and NSW Police. The Wool, Hide and Skin Dealers Act 1935 was introduced to assist police in responding to stock theft and set up a licensing regime for businesses dealing in unprocessed wool, hide or skin. It required licensees to be fit and proper persons. The 1935 Act is to be repealed and replaced with this bill.

The objects of the bill are to transfer administration of the licence scheme from the Local Court to police. Currently, the fee is $10, but that will be removed and licences will now be free. It is unusual for this Government to remove a licence fee. Licences will only need to be renewed triennially rather than annually, which is a commonsense saving of administrative costs. The bill only requires licensing of dealers in wool and hides of sheep and cattle, but that can be expanded. There has been a lot of discussion about this with interested stakeholders. The bill is a major update of 70-year-old legislation and has the support of the New South Wales Farmers Association. The measures introduced balance the need to regulate effective crime-fighting measures with the need to generally keep regulation to a minimum. I am pleased to announce that the Coalition will not oppose the Wool, Hide and Skin Dealers Bill.

The Hon. GREG PEARCE [9.08 p.m.]: This bill is quite interesting to many of us. I have had quite a deal of experience in earlier times, not so much with the policing aspects of wool, hide and skin dealers but with the environmental consequences of tanneries.

The Hon. Jan Burnswoods: Are we going to hear about sheep dips?

The Hon. GREG PEARCE: No, I do not want to talk about sheep dips, but it is interesting the way this bill has developed. It follows a series of recommendations from the October 2000 report from the police Minister's pastoral and agricultural crime working party. The objectives of the bill are not environmental

objectives, and I readily accept that the majority of my experience with these matters is not related to the issues identified by the Commissioner of Police. The obligations created by the bill concerning the identification and reporting of wool, hides and skins that may be stolen are similar to those imposed on pawnbrokers and dealers in second-hand goods. The bill contains provisions arising from a departmental review of the Wool, Hide and Skin Dealers Act conducted in the context of a national competition policy review. We have heard quite a lot on national competition policy reviews recently. All members on this side of the Chamber thoroughly support the thrust of national competition policy review, but often there can be impacts in specific areas, and this is an example. The bill will transfer administration of the licence scheme from the Local Court to the police. Licences will become free—they currently cost $10 a year—and will need to be renewed only tri-annually rather than annually. The bill requires only the licensing of dealers in wool and hides of sheep and cattle. The Opposition does not oppose the bill and looks forward to the proper administration of these matters by the police.

The Hon. HENRY TSANG [Parliamentary Secretary] [9.12 p.m.], in reply: I thank honourable members for their contributions and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [9.15 p.m.] I move:

That this House do now adjourn.

DEATH OF MS CAROLINE ANDERSON

The Hon. CATHERINE CUSACK [9.15 p.m.]: In a special sitting of the Coroner's Court in Dubbo today the Deputy State Coroner handed down the findings of his inquiry into the death of Caroline Anderson. I knew Caroline from schooldays: she was the best friend of my sister Jane. Indeed, Caroline, her parents, the Andersons and the Cusacks became family friends. Jane visited Caroline when she gave birth at Prince of Wales Hospital, stayed with her in Warren, sat with her when she lay in a coma at Liverpool Hospital, gave evidence at the Coroner's hearing and attended the Coroner's Court in Dubbo today. We have spent many hours discussing and shedding more than a few tears for poor Caroline. She was just 37 years of age when she passed away—the much loved mother of Claudia, aged four, Basil, aged three and Digby aged three weeks, wife of Evan Jones, daughter of Brian and Barbara Anderson, and youngest sister of Suzie, Sally and Mike, Tony and Pete.

The Andersons hail from Warren, where Caroline's dad was the local pharmacist—a wonderful man. The Anderson family are greatly admired by all who know them—good-looking, hardworking, decent, educated and compassionate Australians. Caroline passed away at Liverpool Hospital on 5 May 2001. Six months later her mother, Barbara, also passed away in tragic circumstances and Caroline's widower father and husband have been caring for her three young children ever since. I do not want to reflect on the upsetting circumstances of Caroline's death: it is, quite simply, too great a disaster. I want to speak simply tonight about Caroline, about her extraordinary and full life, the many hundreds of lives she lit up with her famous smile and one slightly raised eyebrow, and how deeply she is missed by so many who knew her. Throughout Caroline's life she probably had a bit more of a battle than the rest of us. Maybe this explains her extraordinary generosity and warmth, her utter persistence with everything she undertook, her boldness and love of colour and life, her commitment to social justice.

At school she did not win academic or sports prizes but at the end of year 12 the most significant award given by our school went to Caroline—the 1982 Peg McGoffin Award for Citizenship. The announcement that night was met by an instant standing ovation, deafening applause and quite a few tears as everyone expressed their appreciation to the girl who had with such ease and joy given so much to her community, even at that young age. Caroline made everyone feel special. She had a gift for doing this over coffee, on the phone, even in the way her face lit up if one chanced to pass her in the corridor. Her optimism and generosity meant that with everything on her plate she still worked with local Aboriginal people to progress reconciliation. I imagine that in Warren this was not necessarily very easy, but it was very Caroline!

Her funeral was attended by 1,000 mourners and it effectively closed the town. Many others attended the Sydney memorial service at Kincoppal-Rose Bay. Caroline's family have been devastated by this tragedy,

and are rightly seeking justice—especially for the sake of her children. My fear is that not only has our health system medically failed Caroline; now, three years later, her family are still on a medico-legal nightmare that has not ended with today's Coroner's report. The case now goes on to the Health Care Complaints Commission [HCCC]. I call the attention of the Parliament to the passing of an innocent—because brave, bold, colourful Caroline was so innocent: innocent of harm, unafraid of risk, filled with zip and love of life. My heart breaks for her children, who have been robbed of their rightful childhood, and for Caroline, who had so much to give and wanted so much to give them that childhood but has been robbed of that right.

Harper Lee famously wrote only one book, *To Kill a Mockingbird*. A little girl, Scout, whose mother died when she was just two, recounts the explanation of her death. Her father, Atticus, said that God would only have taken her mother because he really needed her more in heaven. That was why she had been called up early. Scout thinks about this and comments that God must have had a terribly great need for her mum because she was also badly needed here on earth. I want the Minister for Health and the Premier to know that Caroline Anderson is more than a briefing note in a possible parliamentary question, or PPQ file, more than an adverse event, reduced to a set of recommendations in a coroner's report to be referred to the HCCC and "media managed" by the Government. She was an amazing woman, a mother, a wife, a sister, a daughter and a dear friend.

AUSTRALIAN CHINESE EX-SERVICEMEN MONUMENT

The Hon. HENRY TSANG [Parliamentary Secretary] [9.20 p.m.]: I am pleased to report to the House the completion in Darling Harbour of the final stage of the monument to Chinese ex-servicemen and ex-servicewomen. The completed monument, including the lighting system, was unveiled on Wednesday 18 February 2004 at its site at the intersection of Liverpool and Dixon streets, right behind the Chinese Garden of Friendship at the gateway to Darling Harbour. The project was an important one to me, but it also proved to be a very difficult one to see through to completion. Not surprisingly, the building stage proved very difficult, with cost overruns and various other problems. Luckily, with the arrival of Louis Lee, an engineer from Newcastle, as the project manager the monument was completed in accordance with its design. I have previously placed on record my recognition of Peter McGregor as the designer and I am happy to do so again. After many years of hard work it is fantastic that Australians can now recognise and commemorate the enormous contribution made to the country by Chinese Australians in conflicts over the past centuries. It is especially wonderful that this monument stands at the crossroads of Chinatown and Darling Harbour, a symbol of the cross-cultural understanding among Australians. It is a place for all Australians to reflect on the contribution made by ex-servicemen and ex-servicewomen, and especially those soldiers who were from the Chinese community in Australia.

I express my appreciation to all the parties who made the monument a reality. In particular, I thank the Australian Chinese Ex-Services National Reunion, whose members served Australia with pride and dignity, and the Sydney Harbour Foreshore Authority for providing land and support for the building and future maintenance of the monument. I thank also the New South Wales Government, the Commonwealth Government and the City of Sydney for their support in providing grants for the monument to be built. In particular, I thank Premier Bob Carr for his personal support of the monument and the community for its generous donations. I hope that all Chinese Australians who served overseas or who have a family member who served will join me and distinguished community leaders each Anzac Day, Remembrance Day and Australia Day to remember those who died in battle while serving Australia so courageously during the Boer War, the First World War, the Second World War, the Malayan conflict, the Vietnam War and in other conflicts.

The completion of a monument to Australian Chinese ex-servicemen and ex-servicewomen is an important event that highlights the continuing strong relationship between the people of New South Wales and the Australian Chinese community. I am sure that new generations of Chinese people in Sydney and New South Wales will join me in commending this memorial in recognition of their forebears who contributed to their adopted country. An article entitled "Courage and Service" by Diana Giese states:

> When war came to Australia with the bombing of Darwin on 19 February 1942, many Chinese Australians ... witnessed the destruction. In an interview for the 1999 *Courage and Service* project, Mr Riley Yuen Wing remembers: 'They bombed the Wharf; they bombed the RAAF Base, and then they came across and we saw the oil smoke from the tankers in the Harbour ... the whole Harbour was on fire. They came over and put the bombs right on huts filled with explosives. It was like Chinese New Year.'
>
> Mr Tom Cheong, President of the Australian Chinese Ex-Services National Reunion, and the prime mover behind this Monument, was also there. Afterwards he went on to join the RAAF. '19 February was a day of great significance for Australia,'

> he says. 'I felt it was important to defend my home because this was the first time Australia was under direct threat from enemy forces. I was only about half a kilometre from the Wharf and the oil tanks. Many of my friends were killed.
>
> Families were separated and moved out of town, but some stayed on through further raids. Mr Charles See-Kee—

Whose real name is Tsang—

> who worked for the Administrator of the Northern Territory, sheltered from the first bombs under his office. A woman was killed beside him. He remained in the stricken town, under constant attack, until May. Then he left with several cars and a truck loaded with the Northern Territory Administration's records. The Authority had already relocated to Alice Springs.
>
> As the enemy moved inexorably closer to north Australia, Chinese Australians helped build airstrips and fortify beaches, supplied food, transmitted coded messages and maintained amphibious vehicles to repel a possible invasion. Overseas, they served on the front line, on land, sea and in the air. In 1942, in Cairns, Thomas Tung Yep was one of the Chinese boys accepted as air crew by the RAAF. 'A number of Chinese lads are breaking their necks to get into the Air Force in Australia,' he told the local paper. 'We mean to set a good example in the training so that the others will be accepted.'

NEPEAN ADOLESCENT AND FAMILY SERVICE

Reverend the Hon. Dr GORDON MOYES [9.24 p.m.]: On 3 February 2004 I took part in the opening of Wesley Mission's Nepean Adolescent and Family Service, based in Penrith. The honourable member for Penrith, Karyn Paluzzano, was also present. Wesley Mission's operations in the area have grown to five offices and about 30 staff since I started the first office 15 years ago. This new service is the result of the restructure of the family therapy teams and a merger with the family counselling service. The merger has resulted in a stronger approach to early intervention in youth homelessness in the area and to the difficulties that families can experience at those times. I place on record my appreciation of the Department of Community Services, which has been involved in funding this initiative.

Nepean Adolescent and Family Service covers the Penrith, Hawkesbury and Blue Mountains local government areas. The total youth population in the area is estimated to be 45,000. Penrith has the fastest growing youth population in Australia; in fact, it will have the largest youth population in Australia within the next five years. I understand that more than 40,000 children in the area are aged between 8 and 12. Wesley Dalmar Child and Family Care's services are directed at young people between the ages of 12 and 18 who face deteriorating relationships with their parents and carers, adolescents experiencing emotional, sexual or physical abuse, young people dealing with blended families, young homeless people and young people who have adopted a self-destructive lifestyle.

Youth homelessness has been recognised as problematic in all three local government areas. However, when the Nepean Adolescent and Family Service and Wesley Dalmar Child and Family Care talk about youth homelessness they are talking about significant related issues affecting young people's lives. For example, this new Penrith-based service focuses on offering counselling to young people, their parents and carers, family counselling, mediation to assist in reaching agreement, individual case management for young people facing an array of difficulties, referrals to Centrelink and assistance with third-party assessments, practical support such as helping to pay for clothes, train fares and so on, information referral to other suitable services, support groups and education groups in high schools, centre-based support groups of young people encouraging responsible approaches to behaviour and life skills, and parent and carer support groups in which we encourage people to support each other in the building of community networks.

Assisting the Nepean Adolescent and Family Service to target its interventions and to remain committed to undergoing development and assessment of best practice requires regular action research. That involves documenting and distributing research into the lives of young people in that area through the Reconnect web page. That research is an important link in delivering services to young people and it will be made available to similar programs across Australia. I thank the Department of Community Services and acknowledge Wesley Mission's contribution to this partnership, which will mean much to hundreds of thousands of young people in the Lower Blue Mountains, Hawkesbury and Penrith area. Although the area has one of the largest youth populations in Australia, this is the only service dedicated to young people at risk of homelessness and the other issues I have mentioned.

SCREENING OF DOCUMENTARIES

The Hon. AMANDA FAZIO [9.28 p.m.]: The proliferation of cinema screens in Sydney in recent times has not led to an increased choice in what people can see at the cinema. The many multiplexes screen the same films across Sydney whether they are run by Hoyts, Greater Union or Reading. Even the so-called art-

house cinemas, such as Palace and Dendy, show the same titles. Documentaries are generally not screened in Sydney. In recent times the only major documentaries widely screened were *Bowling for Columbine,* by Michael Moore, and *Spellbound*, a feature about children competing in a spelling bee. The number of documentaries commercially released each year can be counted on one hand.

Honourable members should consider what is on offer today at the cinema. *Mona Lisa Smile* is showing on 24 screens, *The Missing* is showing on 22 screens and *The Passion of the Christ* is showing on 27 screens. There is only one documentary being screened in Sydney—the locally made *Molly and Mobarak,* which is being shown at the Valhalla at Glebe. We should be grateful that we have that choice. The lack of diversity on local cinema screens is appalling. That is not because there are no good movie-length documentaries being made but because commercial distributors cannot be bothered picking them up. Thank heavens SBS sometimes shows them. The major Hollywood studios, which spend many millions of dollars on publicity campaigns regardless of the quality of the films, simply tie up access to the available screens. They have endless tie-ins with fast-food outlets and even in the cinemas themselves. Patrons can buy popcorn-drink combinations in collector cups for $9.99 and so on. Why would they want to show a documentary when the only possible commercial tie-in is the sale of a thought-provoking book?

Soon *Monster*, the film for which Charlize Theron won this year's Academy Award for best actress, will start screening in Sydney. From reviews I have read, Ms Theron's performance is very good and the film is a good dramatisation of the story of Aileen Wournos. But what we will not get to see is *Aileen: The Life and Death of a Serial Killer*, an award-winning, movie-length documentary about the real Aileen Wournos. To quote Roger Ebert as reported in the *Chicago Sun-Times* of 30 January 2004:

> This documentary is by Nick Broomfield, the guerrilla filmmaker who works with a crew of one (cinematographer and co-director Joan Churchill) and structures his films into the stories of how he made them.
>
> He met Aileen, soon after her original arrest, and made the 1992 documentary "Aileen Wournos: The Selling of a Serial Killer" about the media zoo and bidding war that surrounded her sudden notoriety. Florida police were fired after it was disclosed they were negotiating for a Hollywood deal, and Aileen, meanwhile, was represented by "Dr. Legal," a bearded, pot-smoking ex-hippie who was incompetent and clueless. She saw his ad on late-night TV. She couldn't pay him, but he figured he could cash in, too.
>
> As Wournos' often-delayed execution date inexorably closed in, Broomfield returned to the story for this film, made in 2002. He had become friendly, if that is the word, with Aileen, and indeed she gave him her last interview. Wournos herself is onscreen for much of the film. Charlize Theron has earned almost unanimous praise for her portrayal of Aileen in the current film "Monster," and her performance stands up to direct comparison with the real woman. There were times, indeed, when I perceived no significant difference between the woman in the documentary and the one in the feature film.
>
> Wournos talks and talks and talks to Broomfield. She confesses and recants. Then she tells Broomfield she made it all up. What can we believe? Broomfield's theory is that after more than a decade on Death Row, Wournos was insane, and that she used her last remaining shreds of reason to hasten the day of her execution. She said whatever she thought would speed her date with death.
>
> Remarkably, three psychiatrists "examined" her right before her death and found her sane. No person who sees this documentary would agree with them. Florida Gov. Jeb Bush was scarcely less enthusiastic about the death penalty than his brother George, who supported the notorious execution assembly line in Texas. Aileen died in October of an election year, just in time to send a law-and-order message to the voters. Should she have died? That depends on whether you support the death penalty. She was certainly guilty. The documentary makes it clear the imprisonment would simply have continued a lifelong sentence that began when she was born. No one should have to endure the life that Aileen Wournos led, and we leave the theatre believing that if someone, somehow, had been able to help that little girl, her seven victims would never have died.

I am sure members would agree that the documentary sounds interesting. Indeed, many of the documentaries we read about in foreign magazines sound interesting; it is a pity that we do not get to see them here. The reason we probably will not see *Aileen: The Life and Death of a Serial Killer* is that we do not have a cinema dedicated to screening documentaries, nor do we have distributors who are interested in showing them.

The Encore and the Valhalla used to show a wide and unusual range of films, and documentaries such as *The Thin Blue Line*. As I said earlier, the Valhalla continues to show some documentaries but it no longer has such a wide range on offer. The demise of specialist cinemas that show cult films and documentaries is deplorable for a city the size of Sydney, which likes to see itself portrayed as sophisticated, world-class, international city. If Sydney is any or all of these things, we should be supporting a diversity of documentaries and films. Sadly, we do not. Our culture is the less for that, because many of the documentaries produced overseas are thought-provoking. They highlight an alternative viewpoint and show things that we do not necessarily see here. It is a real shame that we cannot see those documentaries on the big screen in New South Wales, particularly in Sydney, and I condemn the film distributors for their actions.

AUSTRALIAN LEBANESE COMMUNITY AUSTRALIA DAY CELEBRATIONS

The Hon. PATRICIA FORSYTHE [9.33 p.m.]: At the expiration of my speaking time in the adjournment debate on 26 February I outline to the House some of the background of the eight recipients of the United Australian Lebanese Movement Australia Day Awards. I had reached the eighth recipient, and I now wish to say a little about him and to read from the citation that was delivered at the ceremony on 25 January. Under the heading "Public Servants and Defence—Major General P. F. Haddad, AO", the citation reads:

> Major General Peter Francis Haddad was born in Albury in 1947 and enlisted in the Army in 1967. He graduated from the Officer Cadet School Portsea in December 1967 …
>
> Major General Haddad was promoted to Brigadier in 1993 and served as Director General Logistics Policy in Logistics Division, Headquarters Australian Defence Force. In 1996 he was posted as Director General Engineering and Logistics Policy—Army, in Army Materiel Division and in 1997 he was posted to the position of Director General Preparedness and Plans in Army Headquarters. In June 1998 he was promoted to Major General and posted as Support Commander (Army). Major General Haddad assumed the appointment as Commander Support Australia on 17 December 1999.

On the last occasion I also acknowledged the United Australian Lebanese Assembly and its efforts to support Australia Day. The United Australian Lebanese Assembly also presented awards at the ceremony, and the recipients of those awards are also worthy of note. Anthony John Nasser was acknowledged as Youth Sportsman of the Year. Anthony's sporting prowess extends to many sports, particularly soccer and cricket, and he contributed significantly to sport in the Canterbury area as well as to junior sports at the State level.

Michael Rizk was acknowledged for his outstanding achievements in business and trade. Michael had worked tirelessly to establish business and trade links between Australia and Lebanon. His achievements included organising the first-ever Australian product exhibition in Beirut in 1997, which saw 15 major Australian companies take part. The New South Wales Premier, Bob Carr, also took part in the exhibition.

Mrs Wafaa Zaim was acknowledged for her contribution to social welfare. Wafaa migrated to Australia in 1983, and is currently the Secretary of the Bankstown Area Multicultural Network Management Committee. Wafaa's list of achievements includes membership of the Bankstown Family's First Steering Committee, membership of the Women's Issues Network, membership of the New South Wales Commission for Children and Young People, and board membership of the Jannawi Family Centre.

Sister Mary Henrietta Darido was acknowledged as Senior Citizen of the Year. Sister Darido arrived in Australia in 1968, after teaching in infants, primary and secondary schools in Lebanon. In Australia she worked as a radio announcer on 2CH and 2KY and she was Principal of St Marouns primary school at Redfern and Dulwich Hill, which was the first school in New South Wales to teach the Arabic language. Sister Darido taught the Arabic language in the Department of Semitic Studies at the University of Sydney. She had been a member of the Board of Senior School Studies Syllabus Committee as a representative of all Catholic schools in Sydney. Sister Darido has a number of other achievements. She is currently a Superior at the Marounite Sisters of the Holy Family Preschool in Belmore.

At the ceremony on that evening a number of outstanding citizens were acknowledged for their valuable contributions. Each year after I have attended the ceremony I have been pleased to acknowledge the work of the Lebanese community through both the United Australian Lebanese Assembly and the United Australian Lebanese Movement. I believe such acknowledgment does much to break down the stereotypes that are so easy for people to accept in this community and for the media to use or misuse for whatever motives they may have at the time. Australia has a very strong Lebanese community going back generations, and many Lebanese people have made their mark in many different areas of the community—from Her Excellency the Governor and her husband, who is an equally distinguished citizen, through to people such as those I have named tonight and others I have acknowledged in the many years I have been a member of this House.

We can be very proud of the contributions of the Lebanese community. It would be to the great advantage of all the community if we were to see some balance in media reporting about the contributions of people within our multicultural community, to both Australia and the heritage they are so proud of. All of us should make every effort to acknowledge the achievements of people of ethnic communities and seek to dispel the misnomers about the Australian multicultural community, particularly the Lebanese community, which seems to suffer from stereotyping by the media and others—including, from time to time, our Premier.

GREY NURSE SHARK PROTECTION

The Hon. JON JENKINS [9.38 p.m.]: The grey nurse shark is an endangered species under New South Wales and Commonwealth laws. It used to be found globally but is now extinct in many areas and is protected in most other countries where it is found. In Australian waters it is found on the east and west coasts, and it is classed as vulnerable on the west coast.

Grey nurse sharks tend to congregate in sandy-bottom gutters and near caves in waters 15 to 40 metres deep. They generally feed on fish, squid, rays, lobster and crab, and are most active at night. Grey nurse sharks are not thought to be aggressive and reports of attacks on humans are extremely rare. Probably mostly due to massive spear fishing in recent decades, the numbers of grey nurse sharks in New South Wales have declined to the point where they are considered to be in significant danger. NSW Fisheries puts the upper number at less than 500 and even less for Queensland waters. The Australian, New South Wales, Victorian and Queensland governments are implementing recovery plans to protect the grey nurse shark and its habitat. In the Environment Australia study on the grey nurse shark the greatest threats were listed as long-line fishing and sport fishing.

I turn firstly to long-line fishing. This form of fishing uses long set lines with many basic hooks. The problem is that any sharks, including the grey nurse shark, that are caught suffer one of four scenarios: they die on the long-line; they drag the line away so the commercial fishermen cannot retrieve it; they break the line; or they are freed. In almost all scenarios the shark will die. In 2002 more sharks were reported killed by commercial set lines than were killed by any other single fishing method.

In sport fishing the sharks will take bait intended for other bottom-dwelling fish and, of course, will be caught. Either by release or by deliberate breakage the usual fate is for a hook to remain in the mouth of the shark, and the result of that is the same as the result of long-line fishing: a hook embedded in the shark's mouth, gills or stomach. Unless these hooks are removed they will eventually cause the death of the shark. These are the primary causes of death of the grey nurse shark, and all the other listed causes—shark control, finning and ecotourism—are really insignificant in comparison.

The number of deaths is increased further by the use of hooks made of non-corroding materials such as stainless-steel. The short-term solution is simple: ban or limit the use of all large hooks in the protected areas; limit the size of hooks which can be carried into the protected areas—this will allow the small hook and line fishermen to continue to enjoy their recreation while removing the real and significant danger to the grey nurse shark; ban or limit the sale of all non-corroding large hooks—for example, stainless-steel hooks above a certain size would simply become illegal to sell or process unless a special licence is obtained—as this would allow the hook to rust or corrode either in the salt water or in the gastric environment of the shark; and ban or limit the use of long- or set-line fishing in or near the protected areas.

We have been talking extensively to many recreational fishing clubs recently and we have broad support for these measures. Of course, the long-term solution is to properly assess the behaviour of the grey nurse shark, its habitat and ecology and take any further steps as necessary in consultation with both the scientists and the local communities. For example, it may be necessary to ban all fishing at night in the protected areas, or to limit the fishing to surface trolling or spinning where the grey nurse sharks do not feed.

The House should note that other shark species are also subject to the same pressures as the grey nurse shark, and many of the comments I have made here are directly applicable to those species. I note particularly the wobbegong, which is not as sexy as the grey nurse shark. I quote from a television interview with David Ireland on Channel 9:

> The Wobbegong is a placid bottom dwelling shark that some fear we're literally eating into extinction and not enough is being done to sustain its declining population, though the fishing industry insists it is in safe hands.
>
> "What we have seen is a big decline in the species over the years," he says. "I've dived the reefs for 35 years and I have noticed again and again, whenever we visit, the numbers have really dropped."
>
> "The Fisheries Department puts out a report on the yield from commercial fishers and the yield has dropped alarmingly in the past 10 years. In 1990-91, the yield was 120 tonnes of wobbegong, in 2000-01 the yield was down to 40 tonnes."

In précis, I implore the Government to do two things. Firstly, in the case of the grey nurse shark do not succumb to the extreme green mantra of "lock it up". Yes, there is a serious problem with the grey nurse shark that needs to be addressed now. Address the serious issues. Remove the large non-corroding hooks and the set lines first to remove the most immediate threats to the grey nurse shark. At the same time undertake the necessary research on the grey nurse shark and other species to ensure that all decisions are made as a result of access to the best science available.

But just as important is the message this Government will hear from me over and over again in this House, whether in relation to the Clyde waste depot or transport services: Plan ahead now. The issue with the far less trendy animals such as the wobbegong is already here. Act now and pre-emptively before the wobbegong gets into the same situation as the grey nurse shark.

INTERNATIONAL WOMEN'S DAY FUNCTIONS

The Hon. JAN BURNSWOODS [9.43 p.m.]: Among the many functions I attended to mark International Women's Day last night I attended an outstanding function put on by the University of Western Sydney at the former Female Orphan School at Parramatta. The school's main structure was commissioned in 1814 and it was completed and occupied in 1818. Very few people know that it is in fact the oldest public building we have—older even than Parliament House. I particularly mention the inspiring talk given by Dawn Casey, who was, as members might know, the director of the National Museum of Australia, and, prior to that, the person who co-ordinated all the planning and construction of the new museum. Dr Casey spoke very movingly about her experiences as a woman and as an Aboriginal person and about the work of the museum and its tremendous success in drawing crowds of very appreciative Australians. She also made some very firm remarks about the role of the Prime Minister—

[*Time for debate expired.*]

Motion agreed to.

The House adjourned at 9.45 p.m. until Wednesday 10 March 2004 at 11.00 a.m.